



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.25386 of 2021

and

Crl.MP.No.14062 of 2021

B.Arulmani

... Petitioner

Vs.

1.The State,
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai.
(Crime No.638 of 2014)

2.P.Joseph

... Respondent

Prayer: This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to call for the records relating in Crime No.638 of 2014 on the file of the Inspector of Police, T-10, Thirumullaivoyal Police Station, Chennai and quash the same.

For Petitioner

: M/s.E.Vijayakumar

For R1

: Mr.L.Baskaran

Government Advocate (Crl. Side)

For R2

: Mr.G.Anandaraj



ORDER

The learned counsel for the Petitioner submits that the ingredients of the offences alleged in the F.I.R. had not been made out. Therefore, he seeks to quash the F.I.R. In support of his contentions, he relied upon the judgment of this Court in the case of *Pachiyammal Vs. The state of Tamil Nadu*, made in CrI.O.P.No.20833 of 2018, dated 07.02.2019 and also relied up on the judgment of the Honourable Supreme Court, reported in *2011 (7) SCC 59 in the case of Joseph Selvaraj.A Vs. State of Gujarat and others*.

2. By way of reply, the learned counsel for the Respondent/ Defacto complainant submitted that the ingredients of the offences have been made out and he invited the attention of this Court to the averments made in the F.I.R.

3. At this juncture, the learned counsel for the Petitioner submitted that to attract the Section 294 (b) of IPC, the alleged persons should have used abusive language in public. But in the complaint and in the F.I.R., it is mentioned as through phone call.

4. The learned counsel for the 2nd Respondent submitted that the



investigation has already been completed and the final report has also been filed before the Court concerned .

5. The learned Government Advocate (Criminal Side) also furnished the copy of the final report before this Court which was taken on the file by the learned Judicial Magistrate, Ambattur on 30.06.2014, and submitted that this petition to quash the F.I.R. after 7 years of filing the final report is not at all maintainable.

6. The submissions made by the learned counsel for the Petitioner and the reliance placed upon by him in the rulings cited by him are rejected in the light of the rulings of *Bhajan Lal Vs. the state of Haryana*, where guidelines were issued by the Honourable Supreme Court, not to quash the F.I.R. and the Charge Sheet leniently but those extraordinary power shall be used sparingly. Hence, this Criminal Original Petition to quash the F.I.R. after 7 years of filing of the final report is dismissed and the petitioner is directed to cooperate with the trial. The Trial Court is directed to proceed with the trial.

04.07.2022

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
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SATHI KUMAR SUKUMARA KURUP, J.

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To

1. The State,
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai.

CrI.O.P.No.25386 of 2021

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