



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.1965 of 2022

&

Crl.M.P(MD)No.1433 of 2022

1. A.Periyya

2. K.Ganesan

... Petitioners/Accused

Vs.

1. The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(F.I.R No.805 of 2020)

... Respondent/ Complainant

2. Rajesh Kumar,
Assistant Director of Fisheries,
Thanjavur District.

... Respondent/

Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in F.I.R.No.805 of 2020 dated 16.09.2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.M.Muruganantham

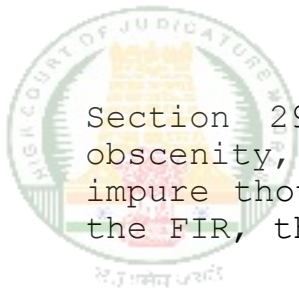
For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Criminal Side)
for R.1

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.805 of 2020, dated 16.09.2020, on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent went to the petitioner's village to add new members of a beneficial scheme. It was alleged by the petitioners that there were some malpractices were happening by adding some ineligible persons to the said scheme. That lead to a wordy quarrel. Pursuant to which, the second respondent had lodged a complaint and an FIR has been registered as against the petitioners to attract the provision under



Section 294(b) IPC. The allegation is to satisfy the test of obscenity, the words uttered must be capable of arousing sexually impure thoughts in the minds of its hears, whereas, on a perusal of the FIR, there was no allegations to satisfy the above criteria.

3. To constitute the offence under Section 353 IPC, there must be a physical assault, as engrained in the statute, whereas, on a perusal of FIR, there was no physical assault or no physical force used against the second respondent and as such, there is no ingredients made out to attract the offence under Section 350 IPC.

4. Insofar as the offence under Section 506(i) IPC is concerned, the simple exchange of words in a provoked, heated arguments without any intention of committing such and such an offence, will not constitute an offence under Section 506(i) IPC.

5. Further, being a primary aspect of the crime, a word slipped in an argument cannot be constructed as it was done with an intention to do such an act. The expressing of words without any intention to do any harm, cannot constitute an offence under Section 506(i) IPC. In the case on hand, the petitioners alleging that there was some malpractices were happening by adding some ineligible persons to the scheme. Therefore, no offence is made out as alleged by the prosecution and as such, the impugned FIR cannot be sustained as against the petitioner. The impugned FIR is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(19.04.2022) 3P 3C