



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.948 of 2020

WEB COPY

1. Rejila

2. S.Chellappa

3. Deva

...Petitioners/
Accused 1 to 3

Vs.

1. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.224 of 2019)

...1st Respondent/
Complainant

2. S.Murugesan

...2nd Respondents/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records of impugned FIR in Crime No.224/19, on the file of the Srivaikundam Police Station, Thoothukudi District and quash the same.

For Petitioners : M/s.H.Arumugam

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The criminal original petition has been filed to quash the FIR in Crime No.224 of 2019, registered for the offences under Sections 294(b) and 323 of IPC.

2. There are totally three accused. All the accused persons are here and challenged the alleging FIR on the ground that no offence had been made out. Though notice was served to the second respondent, no Counsel had been appeared on behalf of him.

3. The learned Additional Public Prosecutor stated that the investigation has been completed and final report has also been filed only as against the first accused and deleted the second and third petitioners. The petitioner was charge sheeted for the offences under Section 294(b) of IPC alone.



4. On perusal of the charge sheet, it is revealed that the second respondent was working in an agricultural land, the first accused scolded with filthy languages and also had beaten him along with other accused persons by their hands. Though FIR has been registered for the offences under Sections 294(b) and 323 of IPC, now the first petitioner was charge sheeted only for the offence under Section 294(b) of IPC.

5. It is relevant to extract Section 294 of IPC:

'Obscene acts and songs.—Whoever, to the annoyance of others—

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both'

6. The entire proceedings are vitiated since no offence is made out as against the petitioner to attract the offence under Section 294 of IPC.

7. In view of the above, entire proceedings in Crime No.224 of 2019 as against the first **(*)Petitioner** is quashed and the criminal original petition is allowed.

Sd/-

Assistant Registrar (Writs)

(*)Corrected as per the order of this Court dated 09.01.2023 made in CrI.OP(MD)No.948 of 2020

Sd/-

Assistant Registrar (Writs)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)

lr

To

(*) To be substituted to the order already despatched on 25/03/2022

1. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.



Crl.O.P.(MD)



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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-10649[F] dated 08/03/2022)

Crl.O.P.(MD) No.948 of 2020
07.03.2022

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RK(23/03/2022) 3P 4C
RD (27/01/2022) 3P 4C