



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.2497 of 2022

&

Crl.M.P(MD)No.1859 of 2022

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| 1. Anto | |
| 2. Joseph Selvakumar | ... Petitioners/
Accused Nos.1 & 2 |
| Vs. | |
| 1. The State represented by
The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District
(Crime No.111 of 2021) | ... 1 st Respondent/
Complainant |
| 2. Karuppasamy | ... 2 nd Respondent/
Defacto Complainant |

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR in Crime No. 111 of 2021, on the file of the Inspector of Police, Puliyampatti Police Station, Thoothukudi District and quash the same.

For Petitioners	:	Mr.A.Robinson
For Respondents	:	Mr.K.Sanjai Gandhi Government Advocate (Criminal Side) for R.1 Mr.A.Mohammed Hasim for R.2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 111 of 2021, on the file of the Inspector of Police, Puliyampatti Police Station, Thoothukudi District.

2. The case of the prosecution is that the second respondent / defacto complainant herein, namely, Karuppasamy had lodged a complaint before the first respondent alleging that he is having some goats and rearing the same and eking out his livelihood and it is further alleged that some dogs have bitten the goats of the defacto complainant and assuming that those dogs belong to the petitioners, on 19.12.2021 the defacto complainant / second respondent along with one Shanmugavel Konar and Vel went to the nursing farm of the petitioners, wherein, the petitioners are having 50 cows and 3 dogs and questioned about the biting of his goats and at that time, the first petitioner allegedly slapped the defacto complainant and also abused him in filthy language stating that



without verifying the facts, the defacto complainant is making allegations and in such circumstances, on 22.12.2021 he gave the present complaint and the same has been registered by the first respondent.

3. A perusal of the entire complaint reveals that there is absolutely no material to attract the offence under Sections 294(b) and 506(i) I.P.C. as against the second petitioner. In this regard, it is relevant to extract the judgment of this Court in Crl.O.P.(MD) No.11030 of 2014 (Abdul Agis Vs. State through the Inspector of Police), which reads as follows:-

"7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(B) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings."

4. Insofar as the second petitioner is concerned. The impugned FIR cannot be sustained and accordingly, in respect of second petitioner alone, the FIR is quashed. The first respondent is directed to file the final report in respect of the first petitioner alone within a period of 12 weeks from the date of receipt of copy of this order. This Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petition is closed.

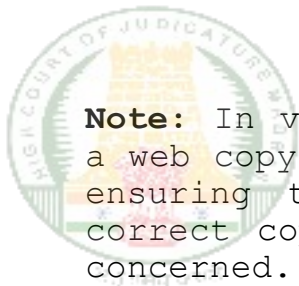
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

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To

1. The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.ROBINSON, Advocate (SR-15381[F] dated 30/03/2022)

CrI.O.P (MD)No.2497 of 2022
&
CrI.M.P (MD)No.1859 of 2022
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RK(04/05/2022) 3P 4C