



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.02.2022

Pronounced on : 25.04.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.1666 of 2022

and

Crl MP(MD)Nos.1205 & 1206 of 2022

Ganesan

... Petitioner/Sole Accused

Vs.

1.The State, rep.by Inspector of Police,
Kumuli Police Station,
Theni District.

(Crime No.215 of 2020)

...1st Respondent/Complainant

2.Sasikumar

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to the case in C.C No.164 of 2020 on the file of the Judicial Magistrate Court, Uthamapalayam in Crime No.215 of 2020 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.L.M.Vijai Boominathan

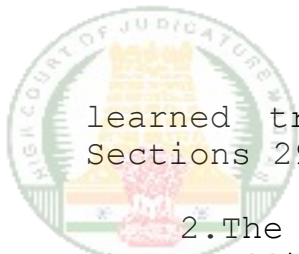
For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to quash the impugned proceedings in C.C No.164 of 2020 on the file of the Judicial Magistrate, Uthamapalayam. The case of the prosecution is that on 11.06.2020 at about 10.30 P.M, when the defacto complainant went to enquire the petitioner, he was in a drunken condition and that he not only used filthy language but also pushed the defacto complainant down and caused him simple injury. He is also said to have held out words of criminal intimidation. Hence, Crime No.215 of 2020 was registered on the file of the Kumuli Police Station.

The matter was investigated and final report was filed and the



learned trial magistrate took cognizance of the offences under Sections 294(b), 332, 510, 506(ii) IPC.

2.The materials enclosed in the typed set of papers are more than sufficient to establish that the petitioner was admitted and that he had to take treatment in Aravind Eye Hospital. The petitioner's wife had given a complaint before the Superior Officers and those complaints have also been enclosed in the typed set of papers. The petitioner is an army man. After a careful reading of the materials enclosed in the typed set of papers, I can come to the conclusion that the defacto complainant and another police constable attached to the Kumuli Police Station had gone to the locality where the petitioner was residing for some enquiry. Even according to the second respondent, the petitioner was then in drunken condition. It is not as if the petitioner had come to a public place and created ruckus. He was after all standing outside his house. Therefore, his conduct ought not to have been exaggerated. I am satisfied beyond doubt that the petitioner was also wounded. The prosecution proceeds as if the second respondent alone was hurt. I suggested that the petitioner should give an undertaking that he and his wife will not pursue the complaint against the police personnel. The petitioner informed the court that he would treat the entire issue as closed and that he and his wife would not pursue the complaint given against the police personnel. The petitioner belongs to SC(A) community which is at the bottom most rung of the social hierarchy. The petitioner has also entered into an inter-religious marriage. He is an army man. Therefore, a trivial incident of this nature ought not to be blown out of proportion.

3.The impugned prosecution stands quashed. This criminal original petition is allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

To

The Inspector of Police,
Kumuli Police Station, Theni District.



Copy to : The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.1666 of 2022
25.04.2022

BK (CO)
GC (03.06.2022) 3P 3C