



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.2967 of 2022

and

Crl.M.P(MD)No.2223 of 2022

Periyasamy

... Petitioner/Sole Accused

Vs.

1.State through,
The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
(In Crime No.934 of 2019)

...1st Respondent/Complainant

2.K.Ravichandran

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.934 of 2019, dated 15.10.2019 on the file of the first respondent police and to quash the same as illegal.

For Petitioner	: Mr.S.Vikram
For R - 1	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.934 of 2019, dated 15.10.2019, on the file of the first respondent.

2. The case of the prosecution is that on 15.10.2019 at about 20.45 hours, while the defacto complainant, who is working as Sub-Inspector of Police, along with other police went to Karuppasamy Temple, at that time, the petitioner was found uttering abusive expressions and as a result, the petitioner is said to have caused hindrance to the general public and also caused breach of public peace. Hence, the defacto complainant lodged a complaint. Hence, case in Crime No.934 of 2019 has been registered against the petitioner under Section 75 of the Tamil Nadu City Police Act, 1888.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the



respondent and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the offence under Section 75 of the Tamil Nadu City Police Act, 1888, is punishable with imprisonment for a period not exceeding six months. Therefore, when the limitation for the filing of charge-sheet is already over as contemplated under Section 468 Cr.P.C., even today, it is pending without completing investigation. Further, there is no explanation from the first respondent for non filing of the charge-sheet within a time. So far the first respondent failed to examine even a single witness from the general public and all the allegations are bald and vague in nature.

5. In view of the above, the complaint cannot be sustained as against the petitioner, as the FIR has no legs to stand and it is liable to be quashed. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.934 of 2019, dated 15.10.2019, on the file of the first respondent, is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// 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,
Koodal Pudur Police Station, Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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