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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25/08/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

CrI.OP(MD)No.17814 of 2019

and

CrI.MP(MD)Nos.10469 and 10570 of 2019

S.Kumar @ Thoppulankumar : Petitioner/Accused

Vs.

1.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(In Crime No.59 of 2017) : R1/Complainant

2.M.Abdul Kadhar
Assistant Engineer,
Tamil Nadu Electricity Board,
Sub Station, A-Thekkur,
Sivagangai District. : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records from the Judicial Magistrate-District Munsif, Singampunari, in CC No.60 of 2018 and quash the same as against the petitioner.

For Petitioner : Mr.K.Muthumalai

For 1st Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

For 2nd Respondent : Mr.T.Lajapathi Roy

**ORDER**

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This criminal original petition is filed seeking quashment of the case in CC No.60 of 2018 on the file of the Judicial Magistrate-cum-District Munsif, Singampunari.

2.The case of the prosecution in brief:-

The de-facto complainant is the Assistant Engineer belongs to Tamil Nadu Electricity Board, Sub-Station, Thekkur. He lodged a complaint stating that on 15.07.2017, the accused person came to the office and informed him that there is a low voltage in his area. The de-facto complainant assured him to take care and correct it. At that time, the accused person abused him in filthy language, criminally intimidated and also tried to assault him. Over the above said occurrence, he lodged a complaint with the Deputy Superintendent of Police. But so far, no action has been taken. So, the complaint was filed before the Superintendent of Police, upon which, the present FIR has been registered. After completing the formalities of investigation, final report was filed making allegations against the petitioner to the effect



that he has committed the offences under Section 294(b),
353 and 506(i) IPC.

3. Seeking quashment of the same, this petition has been filed on the ground that there was only a wordy quarrel between them and actually, the de-facto complainant only tried to assault the petitioner and abused him in filthy language, when he went to the office of the de-facto complainant for informing about the low voltage problem in his area, over which, he has also given a complaint and it was not properly taken care and no case was registered against the de-facto complainant, But rather, on the basis of a false complaint given by the defacto complainant, a case was registered and final report has also been filed as if only the petitioner made criminal intimidation and abused him in filthy language and also prevented him from discharging his official duty.

4. Heard both sides.

5.Perusal of the CD file shows that this petitioner is not having a good conduct and he is not a good



precedent also. It appears that several cases are pending against him. He is also a history sheeted in H.S.No.442 of 2014 involved in 4 previous cases. With this background of the antecedents of the petitioner, now let us go to the merits of the case.

6.Perusal of CD file shows that this petitioner has also lodged a complaint stating that he was criminally intimidated and abused in filthy language by the de-facto complainant and a counter complaint has also been given by the de-facto complainant stating that he was abused and prevented from discharging his official duty and also criminally intimidated. Except the fact that there is a delay of about three months in registering the case, no other ground worth consideration has been made out by the petitioner.

7.The learned counsel for the petitioner would rely upon a number of judgments to the effect that even as per the allegations made in the FIR as well as in the final report, the offences under sections 294(b), 506(i), 353 IPC are not out. For that purpose, he would rely upon the following judgments:-



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- (i) *R.Ramesh and another Vs. State*
[(2016) 2 MLJ (Cr1) 504];
- (ii) *Dhanalakshmi Vs. The State*
[2016(2) T.N.L.R.520 (Mad) (MB)]; and
- (iii) *Sekar Vs. State* [2017(3) MWN
(Cr.) 54.

8. But all those cited judgments have been rendered only after full trial.

9. Now the question arises for consideration is whether any sufficient ground has been made out by the petitioner to quash the proceedings.

10. It is seen that on 02.08.2017 itself, the de-facto complainant lodged a complaint, but it was registered only, on 08.10.2017, as per the endorsement made by the Deputy Superintendent of Police. Moreover, mainly on the basis of the delay, no criminal proceedings can be quashed.



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11. Whether there was any criminal intimidation, abuse of filthy language and whether any criminal force was made by the petitioner preventing the de-facto complainant from discharging his official duty, are all matters for consideration during the course of trial.

12. Absolutely, I find no valid ground to exercise the jurisdiction under section 482 Cr.P.C. So, I find that no valid ground has been made by the petitioner to exercise the jurisdiction, except the factual issues. So, the proceedings must be undertaken to its logical end. This petition deserves dismissal and accordingly, it is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

25/08/2022

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Judicial Magistrate-cum-District Munsif, Singampunari.
- 2.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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