



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.16552 of 2019

and

Crl.MP(MD)Nos.9828 and 9829 of 2019

WEB COPY

- 1.Ismail @ Mohamed Ismail
- 2.Seeni Ibrahimsha
- 3.Samsudeen
- 4.Abubacker
- 5.Amsath Ali
- 6.Sarthar Yaseen
- 7.Faizal
- 8.Gulam
- 9.Wahid
- 10.Akbar @ Sahib Akhar : Petitioners/A1 to A10

Vs.

- 1.State rep. By
Inspector of Police,
T.V.Mangal Police Station,
Ramanathapuram District.
(Crime No.17 of 2016) : R1/Complainant
- 2.K.Seeni Moahmed : R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.196 of 2019 on the file of the Judicial Magistrate No.1, Ramanathapuram and quash the same.

For Petitioners : Mr.T.Antony Arul Raj

For 1st Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For 2nd Respondent : Mr.T.Veerakumar

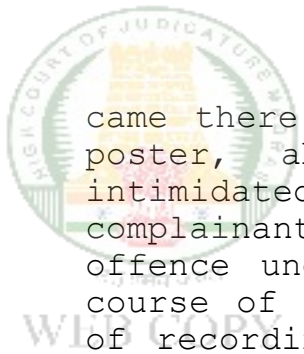
O R D E R

This criminal original petition is filed seeking quashment of the case in CC No.196 of 2019 on the file of the Judicial Magistrate No.1, Ramanathapuram.

2.The case of the respondent in brief:-

On 20/03/2016, when the de-facto complainant was pasting the notice in the outer area of the village, all the accused persons

<https://hcservices.ecourts.gov.in/hcservices/>



came there and prevented the de-facto complainant from pasting the poster, abused him in filthy language and also criminally intimidated. Based upon the complaint given by the de-facto complainant, FIR has been registered in Crime No.17 of 2016 for the offence under sections 147, 194(b) and 506(i) IPC and during the course of investigation, materials have been collected in the form of recording the statement of the witnesses and final report was also filed before the Judicial Magistrate No.1, Ramanathapuram and it was taken cognizance in CC No.196 of 2019.

3. Seeking quashment of the same, this petition has been filed by all the accused persons on the ground that the allegations mentioned either in the FIR or in the final report does not attract any of the penal provisions against the petitioners. A counter case has also been registered for the offence under sections 294(b), 506 (i) IPC and section 4(A)(1) of the Tamil Nadu Open Place Disfigurement Act, 1959 against the de-facto complainant party, in Crime No.16 of 2016 and it was taken cognizance by the Judicial Magistrate No.1, Ramanathapuram as CC No.195 of 2019. The copy of which is also produced before this court.

4. Heard both sides.

5. Reading of the complaint given in this case as well as the counter complaint in Crime No.16 of 2016, it is seen that it is an internal dispute among the members of a Jamath. It is also seen that because of the above said inter Jamath dispute, the parties are engaged in defamatory allegation against each other, spreading the same through social media. The complaint in Crime No.16 of 2016 was registered on the basis of the complaint given by one Adul Kathar, wherein he has stated that to create enmity among the Jamath people, one Seeni Mohammed, Abuthakeer, Ismail and Jainul tried to paste the posters making defamatory allegation against the Jamadhars. When that was prevented, they were abused in filthy language and also started spreading defamatory allegation in the social media. Based upon which, the case in Crime No.16 of 2016 has been registered for the offences under sections 294(b), 506(i) IPC and section 4(A)(1) of the Tamil Nadu Open Place Disfigurement Act, 1959. In that case, investigation was undertaken and materials have been collected and final report has been filed in CC No.195 of 2019.

6. From the reading of the two FIRs and final reports, it is seen that as mentioned earlier, it is an inter dispute among the Jamathdars. Even though the factual issue, whether any criminal intimidation or abusive in filthy language, it is seen that both of them appear to have pasted posters in the public place.

7. No doubt the offence under section 4(A)(1) of the Tamil Nadu Open Place Disfigurement Act, 1959 is attracted. But the offence said have been taken place on 20/03/2016. But in both the cases, <https://hcservices.courts.gov.in/hcservices/> have been filed and taken cognizance by the trial



court, on 28/03/2019, which is much after the period of limitation prescribed under section 468 Cr.P.C.

8. Even though such a plea is not raised, it is a question of law. This court, by exercising the jurisdiction under section 482 Cr.P.C in order to give quietest to the matter, I am of the considered view that the criminal proceedings not only in CC No.196 of 2019, but also in CC No.195 of 2019 are liable to be quashed.

9. In the result, the criminal original petition is **allowed**. The impugned proceedings in CC No.196 of 2019 and the another proceedings in CC No.195 of 2019 are hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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 Judicial Magistrate No.1,
Ramanathapuram,

2.The Inspector of Police,
T.V.Mangal Police Station,
Ramanathapuram District.

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

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-14734[F] dated 28/03/2022)

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-14978[F] dated 28/03/2022)

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25/03/2022

RD(20.04.2022) 3P 6C

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