



WEB COPY



CrI.O.P.No.8792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8792 of 2022

T.Bharathkumar

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Race Course Police Station,
Coimbatore.

2.B.Sanjai Krishna

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records and quash the final report in S.T.C.No.754 of 2021 on the file of the Judicial Magistrate Court No.III, Coimbatore as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI. Side)

ORDER

The petitioner is arrayed as 4th accused by the respondent police in the final report pursuant to the complaint registered in FIR No.21 of 2021 dated 07.01.2021.



2. The sum and substance of the First Information Report is that on a rainy day, there was flow of rain water from the building occupied by the accused persons to the house of the defacto complainant and that was objected, wordy quarrel erupted. The accused persons barged into the house of the defacto complainant with criminal intention of trespass. When that was resisted, the accused by name Sethupathi and Ramkumar hit them over the body with hands and abused him. On completion of investigation, final report has been filed. As far as A1 to A3 are concerned, charge under Sections 75(i)(c) of TNCP Act, 448 & 352 of IPC and as against this petitioner, charge under Section 75(i)(c) of TNCP Act, been framed. Out of four accused, three pleaded guilty in S.T.C.No.754 of 2021. Hence the case against this petitioner got split up and renumbered as S.T.C.No.492 of 2023. Final report as against this petitioner is for uttering obscene words, which according to the prosecution attracts Section 75 (i)(c) of Chennai City Police Act.

3. Reading of Section 75 (i)(c) of CCP Act, indicate that whoever, in any public place, office, station-house or Court, or in any place of public amusement or on board of any passenger boat or vessel is found behaving in



Crl.O.P.No.8792 of 2022

a violent or boisterous or disorderly or riotous or indecent manner or using any threatening, abusive or insulting words which causes or is likely to cause a breach of public peace is liable to be prosecuted.

4. In this case obviously and admittedly the incident has took place inside the house and not in a public place. There is no material to show the conduct of the petitioner, who had caused the breach of public peace and was within the sight and vicinity of public. Therefore, this Criminal Original Petition to quash the case is liable to be allowed.

5. Accordingly, this Criminal Original Petition is allowed.

06.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate Court No.III, Coimbatore

2.The Inspector of Police,
Race Course Police Station,
Coimbatore.

3/4



Crl.O.P.No.8792 of 2022

Dr.G.JAYACHANDRAN,J.

rpl

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.8792 of 2022

06.10.2023