



WEB COPY



Crl.O.P.No.4095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4095 of 2023

Paranthaman

...

Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District.

2.Muthu

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.552 of 2022 on the file of Judicial Magistrate, Thirukazhukundram and quash the same.

For Petitioner : Mr. M.Jaisingh

For Respondent : Mr.S.Santhosh

No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records in C.C.No.552 of 2022 on the file of Judicial Magistrate, Thirukazhukundram and quash the same.

2.The case of the prosecution is that petitioner and second



Crl.O.P.No.4095 of 2023

respondent/defacto complainant are son and father. On 24.09.2022, at about 9.00 p.m., petitioner had scolded his father, who was under the influence of alcohol, in filthy language. Therefore, a case was registered in Crime No.552 of 2022, for the offence under Section 294 (b) IPC.

3.It is submitted by the learned counsel appearing for the parties that both second respondent/defacto complainant and petitioner have reached a compromise and second respondent/defacto complainant does not want to proceed the case and has no objection for quashing the complaint.

4.Both petitioner and second respondent/defacto complainant are present in person before this Court and they were identified by Mr. T.Selvakumar HC 277, E-2 Thirukazhukundram Police Station, Chengalpattu District. When enquired, second respondent/defacto complainant reiterated that the issue between him and petitioner has been resolved and he does not want to proceed with the case against petitioner and has no objection for quashment of proceedings in C.C.No.552 of 2022, on the file of Judicial Magistrate, Thirukazhukundram.

5.It is also seen from the FIR allegations that the incident was said to



Crl.O.P.No.4095 of 2023

have happened in the house of the accused. Therefore, this Court is of the view that there is no case for prosecuting petitioner under Section 294 (b) IPC for the reason that the offence has not taken place in the public place.

6.In view of the same, this Criminal Original Petition is allowed and as a sequel, C.C.No.552 of 2022, on the file of Judicial Magistrate, Thirukazhukundram is quashed. The affidavit and the joint compromise memo of the parties shall form part of this order.

24.02.2023

sli

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1.The Inspector of Police,
Thirukazhukundam Police Station,
Chengalpattu District.

2.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.4095 of 2023

G.CHANDRASEKHARAN, J.
sli

Crl.O.P. No.4095 of 2023

24.02.2023