



Crl.O.P(MD).No.6057 of 20

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

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CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.6057 of 2020

and

Crl.M.P.(MD)Nos.3210 and 3211 of 2020

1.Anand @ Annanth

2.Rejith

...Petitioners

Vs

1.The State rep. by,
The Inspector of Police,
Puthukadai Police Station,
Puthukadai,
Kanyakumari District.
(Crime No.338 of 2018)

2.Shylas Raj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in connection with S.T.C.No.124 of 2020 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District in relation to Crime No.338 of 2018 on the file of the Inspector of Police, Puthukottai Police Station and quash the same in respect of the petitioners herein.

For Petitioners

For 1st Respondent

For 2nd Respondent

: Mr.S.Palani Velayutham

: Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

: No Appearance

**ORDER**

This petition has been filed to quash the FIR in Crime No.338 of 2018, on the file of the first respondent Police.

2. According to the petitioners, the first respondent Police registered a case in Crime No.338 of 2018 as against accused for the offence under Section 341, 506(ii) and 294(b) of IPC on the basis of the complaint given by the second respondent. According to this complaint, the occurrence was taken on 07.11.2018 at about 10.30 hours and the case registered on next day i.e. on 08.11.2018. After investigation, the first respondent filed final report under Sections 506(i), 341 and 294(b) of IPC before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and the same was taken on file as S.T.C.No.124 of 2020. As per case of the prosecution, the defacto complainant was in charge as Correspondent in Kottalumudu Bathreshwari Amman Devasthanam Trust Matriculation School and the petitioners were students in the said school. During that course, the behavior of the petitioners was indecent and not up to the mark and hence, the second respondent had taken action against them and removed from the said school. In view of the said occurrence, there had been strained relationship between them. On 07.11.2018, when the second respondent was returning back to his home from Painkulam Co operative Bank at about 10.30 hours, the petitioners along with A2 waylaid the second respondent and abused him in filthy



language and threatened him with dire consequences. In fact no such occurrence was happened. In the charge sheet, the place of occurrence is mentioned as in front of the co operative bank and in the FIR, it is mentioned as in front of the house of A1. Therefore, the charge sheet is liable to be quashed.

3.No counter was filed on the side of the respondents.

4.The learned counsel appearing for the petitioners would contend that second respondent had filed a complaint as against the petitioners alleging that the petitioners along with A2 waylaid the defacto complainant and abused him in obscene words and caused criminal intimidation. Thereafter, the first respondent registered a case in Crime No.338 of 2018 and thereafter, filed final report. According to the complaint, the occurrence took place in front of the house of A1 and according to the final report, the occurrence took place in front of the co operative Bank and according to the complaint, the petitioner waylaid the defacto complainant by parking the vehicle in the road and according to the final report, there is no reference about the alleged parking of bike. The manner of the incident and the place of occurrence are totally contra and the Investigating Officer has not investigated the case in proper manner. No such incident had happened as there is a delay of one day in lodging complaint. The defacto complainant being an advocate has given complaint on



the next day of alleged occurrence. Hence, the charges against the petitioners are liable to be quashed.

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5.The learned Additional Public Prosecutor appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered a FIR and thereby investigated the case. Since *prima facie* case was made out, the first respondent filed final report and the trial Court taken on file as S.T.C.No.124 of 2020 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and as per investigation there are *prima facie* materials available as against these petitioners herein and the petition is liable to be dismissed.

6.This Court heard both sides and perused the materials available on record.

7.On perusal of records, it is observed that the second respondent had given complaint as against the petitioners herein and the first respondent registered a case in Crime No.338 of 2018 and thereafter, investigated the case and filed final report. On careful perusal of FIR, it is seen that the occurrence took place in front of the house of A1 and A1 waylaid the defacto complainant and parked the bike in the road and caused wrongful restraint and abused filthy language and caused criminal intimidation. As per final



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report, the occurrence took place in front of the Painkulam Co operative Society. Therefore, the place of occurrence and manner of the occurrence are totally differs. Even as per FIR and charge sheet, the allegations are bald one. For the vague allegations, the petitioners need not face the trial. Therefore, the charge sheet filed in S.T.C.No.124 of 2020 is liable to be quashed.

8. Accordingly, the charge sheet in S.T.C.No.124 of 2020 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition are closed.

09.08.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

Mrn

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