



CrI.O.P.(MD)No.6399 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2023

CORAM

**THE HON'BLE MR.JUSTICE P.DHANABAL**

CrI.O.P.(MD)No.6399 of 2020  
and  
CrI.M.P.(MD)Nos.3290 & 3291 of 2020

K.Vijaya Kumar

... Petitioner

Vs.

1.The Inspector of Police,  
Tirumangalam Police Station,  
Madurai District.  
(Crime No.594 of 2016)

2.Pandiyammal

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to charge sheet in C.C.No.6 of 2020 on the file of the Judicial Magistrate Court, Thirumangalam and quash the same as illegal.

For Petitioner : Mrs.C.Karthikeya



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For R1 : Mr.M.Sakthi Kumar,  
Government Advocate (Crl. Side)

For R2 : Mr.R.Gowrishankar

**ORDER**

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.6 of 2020 on the file of the Judicial Magistrate Court, Thirumangalam.

2.According to the petitioner, the second respondent had given complaint alleging that there was previous enmity between the petitioner's family and defacto complainant' family. On 08.10.2016, at about 12.00 pm., water from water tank has been over flown and hence, the defacto complainant's husband went to off the motor. At that time, the petitioner's mother abused him in filthy language. Thereafter, on the same day, at about 07.30 pm., again water tank was over flown and the same was switched off by the defacto complainant. At that time, all the accused persons abused the defacto complainant in filthy language and A1 assaulted on her head and face. A2 strangled her and A3 assaulted on her cheek. Based on the said complaint, FIR was registered in Cr.No.594



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of 2016 and thereafter, the first respondent police filed charge sheet as against the petitioner and others.

3.The learned counsel appearing for the petitioner would contend that the second respondent had given a false complaint and based on the same, the first respondent registered FIR. Thereafter, the first respondent, without proper investigation, filed final report as against the petitioner and others. In fact, the petitioner has not committed any offence. He has been falsely implicated in this case. The petitioner completed his Group IV examination and because of this case, his appointment was withheld. Further, the petitioner also gave a complaint as against the second respondent and counter case is also pending against him. Therefore, he prayed to quash the charge sheet pending against him.

4.The learned counsel appearing for the second respondent would contend that the petitioner along with others abused the second respondent in filthy language and also assaulted her and thereafter, she lodged the complaint. Based on the complaint, FIR was registered and



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thereafter, the first respondent investigated the case. Since prima facie materials available as against the petitioner and others, the first respondent filed charge sheet. That apart, there are specific allegations as against the petitioner herein and thereby, the petitioner has to face the trial and hence, this petition is liable to be dismissed.

5.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered a case and thereafter, filed final report. As per final report, there are prima facie materials available as against the petitioner and hence, he opposed to allow this petition.

6.Heard both sides and perused the materials available in the records.

7.On perusal of records shows that there was a dispute between the parties with regard to the operation of motor and due to the same, there was wordy quarrel arose between them. As per FIR, the allegations as



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against the petitioner is that, he assaulted the defacto complainant on her cheek and also abused her in filthy language. As far as final report is concerned, as against A3 final report filed under Section 294(b) 323 IPC and Section 4 of TNPHW Act. As far as Section 294(b) IPC is concerned, as per complaint and FIR, all the accused uttered filthy language. There is no specific overt act as against the petitioner. The above said allegation is not specific and it is vague one. As far as Section 323 IPC is concerned, according to the complaint, the petitioner herein slapped the defacto complainant on her cheek. But the accident register shows there was no external injuries. This allegation is also not specific and vague one. Section 4 of TNPHW Act attracted based on the other offences. Once other offences are not specific and vague one, question of invoking Section 4 of TNPHW Act would not arise. Based on the vague allegations, the petitioner need not face trial. A counter case is also pending as against the second respondent and thereby, this is a fit case to invoke power under Section 482 Cr.P.C.

8.In view of the above said discussions, the charge sheet in C.C. No.6 of 2020 pending on the file of the Judicial Magistrate Court,



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Thirumangalam is quashed as against the petitioner. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

**27.07.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To



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- 1.The Judicial Magistrate Court,  
Thirumangalam.
- 2.The Inspector of Police,  
Tirumangalam Police Station,  
Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P. DHANABAL,J.**

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