



Crl.O.P(MD).No.8603 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.8603 of 2023

and

Crl.M.P.(MD)No.7396 of 2023

Karunassamyvel

...Petitioner /A2

Vs

1.State through

The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

In Crime No.142/2023

... 1st respondent / complainant

2.Murugan

... 2nd Respondent/ defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.142 of 2023, dated 19.04.2023, on the file of the first respondent police, for the offences under sections 294(b), 323, 324, 427 and 506(i) of I.P.C and to quash the same.



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For Petitioner : Mr.K.Suyambulinga Bharathi
For Respondent No. 1 : Mr.S.Manikandan
Government Advocate (Crl. Side)
For intervener / R2 : Mr.Poornachandran

ORDER

This petition is filed to quash the First Information Report in Crime No.142 of 2023, on the file of the first respondent police.

2. The case of the prosecution is that when the defacto complainant was returning home, after completing his work, the accused drove the two wheeler in a rash and negligent manner and dashed against the defacto complainant. When the same was questioned, the accused attacked the defacto complainant and abused him in filthy language and also threatened him with dire consequences. A case in Crime No.142 of 2023, for the offences under sections 294(b), 323, 324, 427 and 506(i) of I.P.C was registered against the petitioner and others.

3. The case of the petitioner is that there is no averment in the complaint regarding the offence under Section 294(b) of I.P.C. Mere expression of words, without any intention to cause alarm is not sufficient to



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attract an offence under Section 506 (ii) of I.P.C. No independent witness was mentioned in the complaint. The petitioner is a Head constable attached to E.O.W., police station, Tenkasi. Due to some dispute with the Sub Inspector of Police, he was falsely impleaded. The name of the petitioner was not mentioned in the complaint. Only due to some vengeance the Sub Inspector of Police, impleaded the petitioner as an accused and prayed the petition to be allowed.

4.On the side of the prosecution, it is stated that the petitioner himself has moved for anticipatory bail and prayed the petition to be dismissed.

5. On the side of the petitioner, it is stated that only due to the torture of the police, the petitioner, to protect himself has filed anticipatory bail petition and the defacto complainant / second respondent herein has come forward with an affidavit stating that the petitioner was no way connected with the offence.

6. The petitioner and the defacto complainant / second respondent were present before this Court and their identity were verified with their Aadhar cards. The defacto complainant filed an affidavit, which was properly signed before an Advocate.



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7. In view of the above circumstances, this Petition is allowed and the First Information Report in Crime No.142 of 2023, on the file of the first respondent police, is hereby quashed insofar as the petitioner is concerned. Consequently, connected Miscellaneous Petition is closed.

05.05.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Ls

To

1.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

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



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R. THARANI,J.

Ls

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