

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.14335 of 2020
and
Crl.M.P.(MD)No.6694 of 2020

1.R.Joseph

2.R.Moses

3.R.Paul

4.A.Karnan

... Petitioners /A1 to A4

Vs.

1.The State rep. by

The Inspector of Police,

Rameswaram Town Police Station,

Ramanathapuram District.

(Crime No.70 of 2020)

... 1st Respondent / Complainant

2.Nambu Pitchai

... 2nd Respondent / Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the F.I.R., dated 21.03.2020, in Crime No.70 of 2020, pending on the file of the first respondent police and to quash the same in respect of the petitioners.

For Petitioners : Mr.M.Gnanagurunathan

For Respondents : Mr.M.Sakthikumar
Government Advocate (crl.side) for R1

: No appearance for R2

ORDER

This Petition is filed to quash the F.I.R., in Crime No.70 of 2020, pending on the file of the first respondent police.

2. The allegation against the petitioners is that on 21.03.2020, at about 10.00 a.m., when the petitioners were conducting prayer in his house with his relatives and others, the defacto complainant and others went in front of the house and objected for the prayer, the petitioners threatened and abused the defacto complainant. A complaint was registered against the petitioners and 6 others, in Crime No.70 of 2020, under Sections 147, 294(b), 506(i), 269 and 153(A) of I.P.C.

3. On the side of the petitioners, it is stated that there is a counter case. The defacto complainant belonged to “Hindu Munnani”, on 21.03.2020, when the petitioners and others attempted to conduct prayer in the house, the defacto complainant and others trespassed into the house and objected for conducting prayer and they attacked one Kannan, S/o. Alagarsamy, who had participated in the prayer. Only on the request of the first petitioner, police party came to the occurrence

place and enquired the petitioners and that there is another F.I.R against the defacto complainant and five others in Crime No.71 of 2020, under Sections 147, 148, 294(b), 323, 506(i) and 153(A) of I.P.C. Only as a counter blast, the defacto complainant has come forward with this complaint.

4. On the side of the petitioners, it is stated that there is no ingredients to register a case under Section 153(A) of I.P.C. There was no criminal force or assault and no offence has been made out against the petitioners, under Section 153(A) of I.P.C. The respondent did not follow any procedure under Section 154 of Cr.P.C. The defacto complainant has not stated anything as to the threat on his life or any one. Mere assembly of persons could not constitute an offence, unless some untoward incident is shown to have occurred. Mere expression of the words without any intention would not be sufficient to attract the penal provisions and the offence under Section 506(i) I.P.C is not made out. No filthy word was mentioned in the complaint to attract Section 294(b) I.P.C and prayed the petition to be quashed.

5. On the side of the prosecution, it is stated that there is a counter case. The involvement of the petitioners, nature of offence

against the petitioners can be decided only after the completion of the trial. Investigation was over. Since there is a stay order, the charge sheet could not be taken on file by the trial Court and prayed the petition to be dismissed.

6. It is seen that there are two cases one against the petitioner and another against the defacto complainant. It is seen that some agitation was taken place in the place of occurrence at the time of occurrence. In the above circumstances, the case against the petitioners alone cannot be thrown out at the threshold. The allegations against the petitioners can be decided only after the completion of the trial. Hence, this Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

Ls

To

17.03.2023

- 1.The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.THARANI. J.

Ls

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