



WEB COPY



CrI.O.P(MD).No.13504 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.08.2023

Pronounced on : 12.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.13504 of 2020

and

CrI.M.P(MD) Nos.6196 and 6929 of 2020

N.Suresh

...Petitioner

Vs

1.The Inspector of Police
Pudukadai Police Station
Pudukadai,Kanyakumari District

2. Vijayarani

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in Crime No. 462 of 2020 pending on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Saravanakumar

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : Mr.V.H.S.Prattap

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 462 of 2020 on the file of the first respondent police.



WEB COPY

2. According to the petitioner he is the elected Councilor of 11th ward in the Painkulam Village, Munchirai Panchayat Union, Kanyakumari District. The said panchayat has got 15 wards and the second respondent was elected as President of Painkulam Village. From the date of assuming charges of President, there was interference by the husband of the second respondent in the panchayat activities and the same was objected by the other members including this petitioner. In this context already complaint was lodged on 02.07.2020. The husband of the second respondent swindled panchayat funds by preparing bogus estimated and bills. For that also the petitioner gave complaint before the District Collector, since there was no action taken by the District Collector, the petitioner has filed a Writ Petition before this Court in W.P(MD) NO.13504 of 2020 to take action against the defacto complainant and her husband. Due to that previous motive this present complaint has been lodged by the defacto complainant.

2.1.The case of the prosecution is that while the panchayat Council meeting was held on 20.10.2020 at about 11.00 a.m., he used filthy language against the defacto complainant and thrown away the resolution book and also used obscene words. Based on that complaint at about 22.00 hrs on the same day First Information Report has been registered in Crime No.462 of 2020 for the offences under Sections



294(b),506(i) of IPC and Section 4 of TNPHW Act. Infact the allegation made against the petitioner is that he shouted during the council meeting and thrown away the resolution book. The defacto complainant and the Panchayat Secretary are the custodian of the panchayat records and there are 14 members assembled in the council meeting and infact the second respondent only threatened the members to sign in all the resolution and the same was objected by the petitioner and other members. She called the police over her mobile phone and two police personnel also assembled during council meeting and therefore there is no chance to commit the above said act by the petitioner. Infact on the same day i.e.,20.10.2020 at about 09.45 pm., the defacto complainant and her husband attacked the petitioner and he was admitted in the government hospital and wound certificate was also issued to the petitioner. Thereafter the petitioner made complaint before the respondent police but the respondent police did not take action, only issued CSR. The allegations made in the complaint are baseless. Only inorder to take revenge for the political motive this complaint has been lodged and the same is abuse of process of law, hence the First Information Report is liable to be quashed.

3.The second respondent filed counter stating that the averments made in the petition are all false and the agenda dated 23.05.2020 was properly served on the petitioner. Infact the petitioner also participated in the meeting held on 26.05.2020 and signed in the attendance



registered but he never signed in the minutes book. The second respondent was present in the police station from 7.00 pm., to 10.30 p.m., on 20.10.2020. There was a counter complaint lodged by the petitioner is found false by the first respondent. Infact the petitioner started a pawn broker establishment on 08.01.2019 under the name 'Sruthi Finance' but the petitioner failed to get proper permission from the panchayat before commencing the establishment. The petitioner submitted application for licence on 02.03.2020 but the same was rejected by the council head on 30.06.2020. Aggrieved by this the petitioner got enmity with the second respondent and started making troubles. There are no reasonable and legal grounds pleaded by the petitioner to quash this First Information Report. There is no abuse of process of law, hence the petition is liable to be dismissed.

4. The learned counsel appearing for the petitioner would contend that due to political motive the second respondent gave a false complaint as against this petitioner and based on that false allegation the first respondent registered a case in Crime No.462 of 2020 for the offences under Sections 294(b),506(i) of IPC and Section 4 of TNPHW Act. According to the petitioner no offence is made out and the petitioner objected to pass resolution to the panchayat and thereby inorder to harass the petitioner this false complaint has been lodged. Infact the husband of the second respondent assaulted this petitioner and he also lodged complaint but no action as taken, but only CSR was



issued, thereby the petitioner has not used any obscene words and no such occurrence took place as alleged by the second respondent, thereby the First Information Report is liable to be quashed.

5. The learned counsel appearing for the second respondent would contend that due to election motive the petitioner abused filthy language and also threatened the defacto complainant with dire consequences and thereby she lodged complaint before the first respondent and based on that complaint they registered First Information Report in Crime No.462 of 2020 for the offences under Sections 294(b),506(i) of IPC and Section 4 of TNPHW Act. The First Information Report is at the initial stage and there are no grounds urged by the petitioner to quash the First Information Report. Further the case is under investigation and only after investigation truth will come out and thereby the petition is liable to be dismissed.

6. The learned Additional Public Prosecutor would contend that based on the complaint given by the second respondent the first respondent registered First Information Report and pending investigation. As per the First Information Report there are *prima facie* materials to constitute the offence and thereby at this stage investigation cannot be scuttled and hence the petition is liable to be dismissed.



7. Heard both sides and perused the materials available on record.

WEB COPY

8. On perusal of the records it is revealed that the petitioner is a Panchayat Councilor and the defacto complainant is a panchayat President. There is a dispute between the parties with regard to the passing resolution in the panchayat. It is admitted fact that the time of passing resolution that there was wordy quarrel between parties. Whiles, the second respondent gave complaint as against this petitioner alleging that he used unparliamentary words and also caused criminal intimidation and also thrown panchayat records , these are all the allegations.

9. Further this petitioner also lodged complaint and the CSR was also given and no action was taken by the police. As per the First Information Report some of the offences are made out and the matter is pending for investigation and the investigation is at the initial stage and at this stage the investigation of the police officer cannot be scuttled . On seeing the First Information Report it reveals that only few offences are made out and some of the offences are not made out. Since the case is under investigation this Court cannot make any observation with regard to the allegation made in the First Information Report and it is for the investigation officer to investigate the case in a fair manner and if any *prima facie* materials available then he can proceed with the case further and the petitioner has to wait till the



CrI.O.P(MD).No.13504 of 2020

completion of investigation. If any positive report is filed then the petitioner is at liberty to challenge the same in the manner known to law.

10. With the above observation, the Criminal Original Petition is dismissed. Consequently connected miscellaneous petitions are closed.

12.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
aav

To

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



WEB COPY



CrI.O.P(MD).No.13504 of 2020

P. DHANABAL,J.

aav

CrI.O.P(MD).No.13504 of 2020

12.09.2023