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Crl.OP.No.696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.696 of 2023

and

Crl.M.P.No.361 of 2023

Mohamed Pashith @ Mohamed Basith

... Petitioner

Vs.

1.The State Rep by
The Inspector of Police,
Tiruppur North P.S.,
Tiruppur City,
(On the File in Cr.No.2026 of 2020)
Tiruppur.

2. M.Syed Ibrahim

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records culminating in the FIR in Crime No.2026 of 2020, pending on the file of the first respondent, i.e., The Inspector of Police, Tiruppur North Police Station, Tiruppur District, quash the same.

For Petitioner : Mr.M.Mohamed Azharudeen

For Respondents : Mr.K.M.D.Muhilan

Government Advocate (Crl.side)



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ORDER

The compliant in Crime No.2026 of 2020 dated 21.09.2020 registered for the alleged act of calling the Defacto Complainant over phone and threatening him for propagating the Prime Minister Scheme and also using abusive language against the Defacto Complainant and Bharathiya Janata Party to which he belongs.

2. Based on the phone number given by the complainant, the Police has identified this petitioner and from the confession statement given by this petitioner another accused suspected to be a resident of Dubai is under scanner. The present petition is filed to quash the compliant on the ground that the content of the complaint does not disclose any criminal offence to proceed against this petitioner. The complaint does not say about the expression used by the caller which could attract offence under Section 294(b), 506(i) and 507 of the Indian Penal Code. Further the petitioner had no intention or motivation to threaten the Defacto Complainant, while so, he has been falsely implicated in this matter. This Court on verifying the CD file find that except the Cell Phone of the accused person to verify the call details no incriminating material being



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available to proceed against this petitioner.

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3. The reading of the complaint itself is very vague and fixing the petitioner herein for calling the Defacto Complainant over phone cannot attract offences under Section 294(b), 506(i) and 507 of the Indian Penal Code, unless the offensive or threatening word expressly stated in the complaint.

4. In the absence of such material there cannot be any prosecution. Hence petition to quash is allowed and the case against the petitioner in the Crime No.2026 of 2020 on the file of the Tiruppur North Police, Tiruppur, Station stand quashed. Consequently, the connected miscellaneous petition is closed.

06.08.2024

jv

Index: Yes/No

Internet: Yes/No



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To

1. The Inspector of Police,
Tiruppur North P.S.,
Tiruppur City,
Tiruppur.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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