



WEB COPY



Crl.O.P.No. 3804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.3804 of 2022

M.Ashok Kumar

... Petitioner

Versus

1.The Inspector of Police,
S-15, Selaiyur Police Station,
St.Thomas Mount District,
Chennai-600 073.
(Crime No.970 of 2019)

2.R.Kalaiselvi

... Respondents

Criminal Original Petition filed Under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.186 of 2020 pending on the file of the Judicial Magistrate Court I, Tambaram and quash the same.

For Petitioner	: Mr.M.Ashok Kumar Party-in-person
For R1	: Mr.S.Vinoth Kumar Government Advocate (Crl.side)

ORDER

The petitioner has filed this petition to call for the records in

C.C.No.186 of 2020 pending on the file of the Judicial Magistrate Court I,

<https://www.mhc.tn.gov.in/judis>



Tambaram, in which cognizance was taken for the offence punishable under Sections 294(b), 341, 323 IPC.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours, in respect of laying road there was a wordy quarrel among them, due to which the above said complaint was lodged against the petitioner in Crime No.970 of 2019 on the file of the 1st respondent.

3. The petitioner / A2 / party in person appeared before this Court and stated that the learned Magistrate has not taken cognizance of the matter within six months from the date of arrest, therefore the proceedings in C.C.No.186 of 2020 is an abuse of process of law. Further, he also submitted that to attract Sections 294(b), 341 & 323 there is no ingredient as per the charges framed by the prosecution and there is no specification of the words stated to be used by him. He further submitted that against the defacto complainant the petitioner has already lodged a complaint in Crime No.961 of 2019, as a counter blast the defacto complainant has lodged this complaint against this petitioner. Hence, he prays to quash the proceedings.



4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the 2nd respondent, FIR has been registered in Crime No.970 of 2019, for the offence under Section 294(b), 341 & 323 IPC. He further submitted that already a case is pending in Crime No.961 of 2019 against the defacto complainant and in which cognizance was taken in C.C.No.1 of 2023, and the same is pending before the learned Judicial Magistrate Court I, Tambaram.

5. The petitioner and the defacto complainant are neighbors. Admittedly, on the date of alleged occurrence, there was a wordy quarrel between them in respect of laying road and the said alleged road was laid and completed. Besides, the defacto complainant is working in the Secretariat and the father of the petitioner / A2 was a retired person, who is aged about 60 years. On a perusal of the records, it reveals that there is no specific ingredient against the petitioner in respect of abusing words used to attract the provisions under Section 294(b) of IPC. Even as per the complaint, the defacto complainant was said to be threatened by the accused persons. But admittedly, the complaint was lodged by the petitioner in Crime No.961 of 2019 on 05.12.2019, a day after the present complaint by the 2nd respondent, it shows that the counter blast for the complaint given by the petitioner.



WEB COPY



CrI.O.P.No. 3804 of 2022

T.V.THAMILSELVI, J.

rr

It is a clear case of abusing process of law. Hence, this Court is inclined to quash the proceedings in C.C.No.186 of 2020 pending on the file of the Judicial Magistrate Court I, Tambaram.

6. Accordingly, this Criminal Original Petition is allowed.

18.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

rr

To

1.The Inspector of Police,
S-15, Selaiyur Police Station,
St.Thomas Mount District,
Chennai-600 073.
(Crime No.970 of 2019)

2.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.3804 of 2022