



WEB COPY

CrI.O.P.No.19122 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.19122 of 2023

and

CrI.M.P.No.12808 of 2023

1.S.Sarath Kumar

2.V.S.Sankar

.. Petitioners

Vs.

1.The State rep by,
Inspector of Police,
P6 Kodungaiyur Police Station,
Pulianthope, Chennai.
Crime No.174 of 2023

2.N.A.Mohammed Noohu

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.174 of 2023 on the file of the 1st respondent herein and quash the same.

For petitioners	:	Mr.S.John Josh
For R1	:	Mr.P.Gopinath
		Government Advocate (CrI.Side)

ORDER

This petition has been filed seeking to quash the FIR in Crime No.174 of 2023 pending investigation before the 1st respondent.

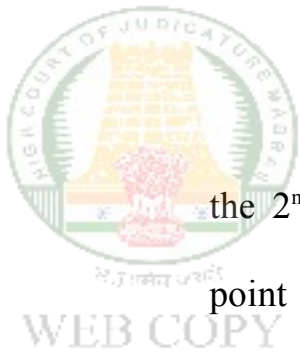


2.The 2nd respondent gave a complaint to the effect that on 20.03.2023 at about 09.00 PM, the petitioners had spread sand just near the entrance of the house of the defacto complainant and the same was questioned. At the point of time, the accused persons are said to have abused the defacto complainant in filthy language and also threatened the defacto complainant. Based on the complaint given by the 2nd respondent, FIR came to be registered in Crime No.174 of 2023 for offences under Section 294(b) of IPC.

3.The learned Government Advocate (Crl.Side) on instructions submitted that the investigation was completed and final report has been filed before the X Metropolitan Magistrate, Egmore, Chennai and it has been taken on file in C.C.No.6853 of 2023 and the final report has been taken cognizance of the offence under Section 294(b) of IPC.

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the 1st respondent.

5.In the considered view of this Court, there was some misunderstanding between the parties, since the accused persons are said to have spread the jalli stones and sand near the entrance of the house of



the 2nd respondent. This became a reason for verbal quarrel at which point of time some abusive words were used against the 2nd respondent. Presently the jalli stones and the sand has been removed and the reason for the quarrel is no more in subsistence. In view of the same, no useful purpose will be served in continuing the criminal proceedings.

6.The facts of the present case can be brought within the fold of Section 95 of IPC.

7.In the light of the above discussion, the proceedings pending in C.C.No.6853 of 2023 on the file of the X Metropolitan Magistrate, Egmore, Chennai is hereby quashed.

8.Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

06.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

N.ANAND VENKATESH, J.



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Crl.O.P.No.19122 of 2023

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To

1.The State rep by,
Inspector of Police,
P6 Kodungaiyur Police Station,
Pulianthope, Chennai.

2.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.19122 of 2023

06.03.2024