



Crl.O.P(MD).No.1286 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.1286 of 2019

Ravikumar

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Viralaimalai Police Station,
Pudukkottai District.
(Crime No.393 of 2018)

2.M.Devaraj

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to quash the FIR in Crime No.393 of 2018, dated 29.11.2018 on the file of the Inspector of Police, Viralaimalai Police Station, Pudukkottai and quash the same.

For Petitioner : Mr.K. Kevinkaran

For Respondent No.1 : Mr.K. Sanjai Gandhi

Government Advocate (Crl. side)

For 2nd respondent : Mr.Ramanathan

ORDER

This Criminal Original Petition has been filed to quash the



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impugned Crime No.393 of 2018, dated 29.11.2018 on the file of the 1st respondent police viz., the Inspector of Police, Viralimalai Police Station, Pudukkottai.

2.The case of the prosecution is that on 28.11.2018, the 2nd respondent / defacto complainant and their officials were doing Kaja Cyclone recover and rescue operations as emergent manner at Kodumbalur, which is the petitioner's jurisdiction and at that time, the petitioner herein restrained them and abused them in filthy language and also threatened them with dire consequences. Hence, based on the complaint given by the 2nd respondent, a case has been registered in Crime No.393 of 2018 for the offences under Sections 294(b), 353 and 506(ii) IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that while the Electricity Board employees were doing their work adjacent to the petitioner's house, the petitioner approached them and asked the details, when the work will be finished and the power will come, because his senior citizen father was at home. But, the 2nd respondent / complainant suppressing the above said



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fact has given a false complaint and hence, he prayed to quash the impugned First Information Report.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioner, it is needless to state that action against him should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not



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subjected to humiliation.

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6. In the result, this criminal original petition is dismissed.

11.06.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp

To

1.The Inspector of Police,
Viralaimalai Police Station,
Pudukkottai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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