



CrI.O.P.(MD)No.11060 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

CrI.O.P.(MD)No.11060 of 2021 &
CrI.M.P.(MD)Nos.5659 & 5661 of 2021

1.M.Danasekaran

2.V.Baskaran

... Petitioners

vs.

I.S.Sikkandar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the private complaint pending in C.C.No.232 of 2013 on the file of the Judicial Magistrate No.I, Madurai and quash the same.

For Petitioners : Mr.J.William Christopher

For Respondent : Mr.M.Sheik Abdullah

ORDER

Seeking to quash the private complaint filed under Section 200 of Cr.P.C. by the respondent (complainant) in C.C.No.232 of 2013 before the Judicial Magistrate No.I, Madurai, the present petition is filed.



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2. The case of the respondent (complainant) is that on 22.08.2012, at about 12.30 hours, he was proceeding towards a Mosque at South Masi Street. When he was crossing South Aavani Moola Street near Madurai Aadheenam, he has to stop his vehicle as a procession of Meenakshi Amman Deity was coming in the opposite direction. At that time, the petitioners, who are the Inspector and Sub Inspector of Central Traffic Wing, Madurai respectively abused the respondent and asked him to get down from his vehicle. When he enquired the police officials in this regard, both of them said that he would be put in prison by foisting case that he is taking active part in the banned Al-Ummah organization. Therefore, the respondent could not go to Mosque. Subsequently, he was taken to Vilakuthoon Police Station, Madurai by both the petitioners and he was made to sit there for more than an hour. Therefore, he filed a private complaint before the Judicial Magistrate No.I, Madurai against the petitioners for the offences punishable under Sections 341, 294(b) and 506(1) IPC.



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3. Mr.J.William Chrishtopher, learned counsel appearing for the petitioners (police officials) would contend that the present private complaint is a clear abuse of process of law as the complaint has been given with a *malafide* intention. The respondent is a petition monger and he has lodged several complaints of this kind against the police officials and other persons. In the circumstances, the private complaint filed by the respondent is liable to be quashed.

4. Per contra, Mr.M.Sheik Abdullah, learned counsel for the respondent / complainant would contend that the respondent lodged a complaint with the Sub Inpsector of Police, Vilakuthoon Police Station, Madurai against the petitioners. Since it was not considered by the Station House Officer, Vilakuthoon Police Station, the respondent was forced to file a private complaint before the Judicial Magistrate No.I, Madurai. It is also his contention that the complaint given by the first petitioner was registered in C.S.R.No.109 of 2012 of Vilakuthoon Police Station. However, it was closed on the same date. According to him, the



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respondent was forced to enter into a compromise. He therefore, prayed for dismissal of the present petition.

5. It is seen from the private complaint that the present respondent was proceeding on the opposite direction on a two wheeler and he was asked to give way for the procession related to Meenakshi Amman Temple festival. When the police directed him to get down from the two wheeler in which he was going, he did not get down from the vehicle and on the other hand, picked up wordy quarrel with the police officials. Therefore, the respondent was taken to Vilakuthoon Police Station, Madurai and according to the respondent, he was detained there for about an hour. Nowhere in the private complaint, the respondent had stated that he was forced to sign the compromise entered into between him and the police officials. There is absolutely no averment in the private complaint that the respondent was abused in filthy language. The police officials (petitioners) have only requested the respondent to give way for the procession. Though it is contended by the respondent that he was detained in the police station for about an hour by the police officials,



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there is no record for the same and in fact, the petitioners and the respondent had entered into a compromise.

6. The learned Judicial Magistrate No.1, Madurai even without perusing the private complaint had taken cognizance of the offences punishable under Sections 341, 294(b) and 506(1) IPC, especially when there are no averments to attract the provisions of the aforesaid offences. If such kind of private complaints are entertained by the Magistrate, the police would not be in a position to maintain law and order problem and therefore, the present private complaint in C.C.No.232 of 2013 on the file of the Judicial Magistrate No.I,Madurai is quashed.

7. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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- 1.The Judicial Magistrate No.I, Madurai
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.HEMALATHA, J.

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