



Crl.O.P.(MD)No.12679 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12679 of 2022
and
Crl.M.P.(MD)Nos.8027 & 8028 of 2022

Rajeshkanna

... Petitioner

Vs.

1.State through
The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.918 of 2020)

2.Palani Selvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.208 of 2022 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and quash the same as against the petitioner/accused.



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For Petitioner : Mr.KA.Raamakrishnan

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.C.Mayilvahana Rajendran

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.208 of 2022 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District.

2.The case of the prosecution is that the second respondent is a business man and Correspondent of a School at Kovilpatti and he is also running a quarry at Kovilpatti. The petitioner herein is a responsible person in a political party, namely, Nam Tamilar Katchi. He demanded a sum of Rs.25,00,000/- as donation to the party and for him individually. However, the second respondent refused to give the same. Due to which, the petitioner threatened the second respondent by stating that he will



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agitate in public and also will spread rumour against the second respondent as if he is running illegal quarry. On 03.09.2020, the petitioner entered into the shop of the second respondent, threatened and abused the staff of the second respondent. He also spread rumours in the Whatsapp message. Therefore, the second respondent filed a complaint before the first respondent, based on which, a case in Cr.No.918 of 2020 came to be registered. Upon completion of investigation, the first respondent filed a final report as against the petitioner for the offences punishable under Sections 294(b), 506(ii) IPC, which was taken cognizance in C.C.No.208 of 2022 by the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a member of the Nam Tamilar Katchi and he made several complaints as against the second respondent and thereby, in order to wreck vengeance, the second respondent filed a false complaint against the petitioner. He further submitted that even as per Section 294(b) IPC, if a person, whoever to the annoyance of others, sings,



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recites or utters any obscene song, ballad or words, in or near any public place, shall be punished. In the present case, it is alleged that the petitioner went to the second respondent's office. The office is not a public place and hence, implicating the petitioner for the offence under Section 294(b) IPC is not sustainable one. He also submitted that there is no ingredients to attract the offence under Section 506(ii) IPC. Without conducting proper investigation, the first respondent Police had filed final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned counsel appearing for the second respondent submitted that the second respondent is a highly reputed man in the locality and he is also running Schools. The petitioner herein approached the second respondent and demanded donation and the same was refused by the second respondent. Due to which, the petitioner entered into the office of the second respondent and threatened the employee of the second respondent and also abused in filthy language. He further submitted that the first respondent Police investigated the employees of the second respondent and there is an eye witness to the occurrence. Therefore, the charge sheet cannot be quashed at the threshold and the



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petitioner has to face the trial. Accordingly, he prayed to dismiss the present petition.

5.The learned Government Advocate(Crl.side) appearing for the first respondent submitted that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below. Accordingly, he prayed to dismiss the present petition.

6.A perusal of records reveals that the petitioner herein is a member of a Political Party and he approached the second respondent for donation. When the same was refused by the second respondent, he entered into the office of the second respondent and threatened the staff of the second respondent and also abused in filthy language. It is seen that the first respondent Police examined witnesses and there is also an eye witness to the occurrence. After conducting proper investigation, the first respondent Police filed final report before the Court below. The grounds raised in the present petition are all triable issue, which cannot



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be agitated before this Court under Section 482 Cr.P.C. Therefore, this Court finds no ground to quash the impugned charge sheet. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I,
Kovilpatti,
Thoothukudi District.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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