



Crl.O.P.(MD) No.12762 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.12762 of 2021

and

Crl.M.P.(MD) No.6566 of 2021

1.S.Mohammed Yousuf

2.Abdul Rahuman

... Petitioners

Vs.

1.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

2.Rahumankani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records and quash the charge sheet filed against the petitioners in S.T.C.No.86 of 2021 on the file of the Judicial Magistrate Court, Ambasamudram.

For Petitioners : Mr.P.P.Alwin Balan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.P.Narayanakumar



Crl.O.P.(MD) No.12762 of 2021

ORDER

WEB COPY Seeking to quash the final report in S.T.C.No.86 of 2020 on the file of the Judicial Magistrate Court, Ambasamudram, the present Criminal Original Petition is filed by the accused.

2. The case of the prosecution is that on 08.10.2020, at about 8.25 p.m., the accused abused the second respondent (*de facto* complainant) and also threatened him with dire consequences. Based on the complaint given by the *de facto* complainant, FIR in Crime No.289 of 2020 was registered by the Sub-Inspector of Police, Alwarkurichi Police Station against the accused for the offences punishable under Sections 294(b) and 506(1) of IPC. The Sub-Inspector of Police after concluding investigation filed a final report in S.T.C.No.86 of 2020 on the file of the Judicial Magistrate Court, Ambasamudram for the aforesaid offences.

3. Mr.P.P.Alwin Balan, learned counsel for the petitioners would contend that the first petitioner (A1) is aged about 72 years and he could not have committed offences as alleged by the prosecution. His further contention is that there are contradictions between the complaint and the statements of witnesses recorded by the police under Section 161(3) of



Crl.O.P.(MD) No.12762 of 2021

Cr.P.C. and therefore, the final report filed by the Sub-Inspector of Police before the Judicial Magistrate Court, Ambasamudaram is liable to be quashed.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the first respondent police would contend that the police after conducting proper investigation filed the final report and therefore, there is no good ground to quash the same. He therefore prayed for dismissal of this Criminal Original Petition.

5. A perusal of the complaint and the statements of witness recorded by the police under Section 161(3) of Cr.P.C. *prima facie* shows that the petitioners (accused) abused the second respondent (*de facto* complainant) in filthy language and also threatened him with dire consequences. There are two eye witnesses in the instant case and merely because the first petitioner (A1) is aged about 72 years, this Court cannot presume that he would not have committed offences punishable under Sections 294(b) and 506(1) of IPC. Therefore, I do not see any reason to quash the final report in S.T.C.No.86 of 2020 on the file of the Judicial Magistrate Court, Ambasamudram.



Crl.O.P.(MD) No.12762 of 2021

WEB COPY 6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous Petition is closed.

13.03.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To:

- 1.The Judicial Magistrate,
Ambasamudram,
Tenkasi District.
- 2.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.12762 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.12762 of 2021
and
Crl.M.P.(MD) No.6566 of 2021

13.03.2024