



Crl.O.P.(MD)No.14339 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.14339 of 2022
and Crl.M.P(MD).Nos.9256 and 9257 of 2022

Kesavan

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
Crime No.444 of 2019.

2.Tillaichidambaram

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.714 of 2021 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli and quash the same.

For petitioner : Mr.B.Sekar

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.side)
for R1
No-appearance for R2



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.714 of 2021 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli, against the petitioner herein.

2. The case of the prosecution is that the petitioner was working as Zonal Manager in Sri Ram Chits Company, under whom, the defacto complainant being an Law Graduate, was working as Legal Officer and the defacto complainant was forced to collect more amount from the chit subscribers. When he refused to collect the same, the petitioner and one Senthilkumar, who was the Manager, had physically attacked him, due to which, he sustained injuries and took treatment. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and the defacto complainant was reluctant in disposing his official duty and responsibility and has not participated in the internal department meetings conducted by the Head Officer and it was questioned by the petitioner. In order to wreak vengeance the petitioner, the second respondent has made a complaint against the petitioner and one Senthil



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before the first respondent Police and the first respondent Police has registered the case against the petitioner and Senthil for the offence punishable under Sections 294(b), 323 and 506(2) IPC. Since the necessary ingredients were not disclosed in the complaint to constitute the offence under Sections 323 and 506(2) IPC, the respondent Police has filed the charge sheet against the petitioner for the offence punishable under Section 294(b) IPC, deleting Sections 323 and 506(2) IPC. However, in order to attract the offence under Section 294(b) IPC, the words uttered by a person should have annoyed others. Mere abusive, humiliating or defamative words cannot attract an offence under Section 294(b) IPC. In the instant case, even as per the statement recorded under Section 161 Cr.P.C from the defacto complainant, it does not reveal that there are utterances of annoying words and in the absence of the same, making the petitioner to face the trial is not sustainable one. Hence, he prays for quashing of the proceedings in C.C.No.714 of 2021.

4. The learned Government Advocate would submit that initially, a case was registered in Crime No.444 of 2019 against the petitioner and one Senthil, for the offence punishable under Sections 294(b), 323 and 506(2) IPC and since there is no ingredient for attracting the offence under Sections 323 and 506(2) IPC, the charge sheet has been filed



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before the learned Judicial Magistrate No.IV, Tirunelveli, for the offence punishable under Section 294(b) IPC.

5. It appears that the defacto complainant has made a complaint before the first respondent Police that he was working as Legal Officer in Sri Ram Chit Funds and was forced to collect more interest from the chit subscribers and when he refused to collect the same, the petitioner and the other accused person are alleged to have been attacked the defacto complainant. During the time of conducting the investigation, the respondent Police found that there are no ingredients for attracting the offence under Sections 323 and 506(2) IPC and therefore, the charge sheet has been filed only for the offence punishable under Section 294(b) IPC against the petitioner before the learned Judicial Magistrate No.IV, Tirunelveli. Even, for attracting the offence under Section 294(b) IPC, there must be a sufficient proof to establish that the words uttered by the accused person annoyed others. Mere utterance of abusive, humiliating or defamative words cannot attract an offence under Section 294(b) IPC. In this case, there are no words uttered by the petitioner to constitute the offence under Section 294(b) IPC and the necessary ingredients to constitute the offence under Section 294(b) are not made out. Hence, this Court is inclined to quash the proceedings in



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C.C.No.714 of 2021 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli, against the petitioner herein and accordingly, it is quashed.

6. In the result, this Criminal Original Petition is allowed.

Connected miscellaneous petitions are closed.

07.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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