



Crl.O.P(MD).No.16887 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.16887 of 2021 and
Crl.M.P(MD).Nos.9136 and 9137 of 2021

Muthal @ Muthukumar

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District,
(Crime No.282 of 2019)

2.Vasanthkumar

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in PRC.No.7 of 2020 on the file of the learned Judicial Magistrate No.I, Pudukkottai and quash the same.

For Petitioner : Mr.C. Gangai Amaran

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

Government Advocate (Crl. Side)

For 2nd respondent : Mr.K. Raghul Priyan



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in PRC.No.7 of 2020 on the file of the learned Judicial Magistrate No.I, Pudukkottai and quash the same.

2. The case of the prosecution is that on 28.11.2019, while the 2nd respondent / defacto complainant was standing at Andakulam Junction Road, the petitioner came there and started shouting stating that when the defacto complainant is a resident of Vandipettai, how can he come to the petitioner's village and claim he is a rowdy in the village and also claiming that he is having big post in Amma Makkal Munnetra Kazhagam and demanded a sum of Rs.10,000/- and tried to attack the defacto complainant causing injuries. On such complaint, a case in Crime No.282 of 2019 has been registered for the offences under Sections 307 and 294(b) IPC and thereafter, charge sheeted in PRC.No.7 of 2020 on the file of the Judicial Magistrate No.I, Pudukkottai.

3. The learned counsel appearing for the petitioner submitted that the defacto complainant has given a statement before the trial Court stating that he did not lodge any complaint against the



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petitioner, but, it is only the Police who took blank signatures on the papers foisted a false case against the petitioner. He would further submit that mere using or uttering any words not in a public place and hence, offence under Section 294(b) IPC does not attract. He would further submit that there are no injuries on the body of any person and no one has taken any treatment and no witness also deposed to that effect and hence, offence under Section 307 IPC is not at all attributable and there was no attempt to murder any one as alleged and hence, prays for allowing this petition.

4. The learned counsel appearing for the 2nd respondent would submit that the offence committed by the petitioner is serious in nature and hence, prays for dismissal of this petition.

5. The learned Government Advocate (Crl. Side) appearing for the first respondent Police would submit that no one has sustained injury in the said incident and the uttering words are not used in the public place.

6. Heard the learned counsel appearing on either side and perused the materials available on record.



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7. To attract the offence under Section 294 (b) IPC, the allegation is that the petitioner abused the defacto complainant in filthy language. Moreover, it should have been taken place in a public place. There is no allegation in the final report that the petitioner abused the defacto complainant in a public place. So, in the absence of any such ingredients, the offence under Section 294 (b) would not be attracted.

8. Insofar as the offences under Section 307 IPC is concerned, there is no materials available to show that the petitioner attempted to murder the defacto complainant and caused injuries to the defacto complainant. Further, the respondent police has also not filed any medical report for the alleged offence. Hence, the offences under Section 307 IPC would not be attracted as against the petitioner.

9. In view of the above said discussion, this Court is of the considered view that continuation of the prosecution against the petitioner will amount to abuse of the process of law. Hence, charge sheet is liable to be quashed.

10. Accordingly, the proceedings in PRC.No.7 of 2020 on the file



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of the learned Judicial Magistrate No.I, Pudukkottai is hereby, quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

12.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District,
2. The Judicial Magistrate No.I, Pudukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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