



CrI.O.P(MD)No.3277 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CrI.O.P(MD)No.3277 of 2025

and

CrI.M.P(MD)No.2249 of 2025

Karuppaiya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Through,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.150 of 2024.

2.Veeranan,
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records connected to the impugned FIR in Crime No.150 of 2024 on the file of the first respondent and quash the same as illegal as against the petitioner and pass such further or other orders as this Court.



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For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to quash the FIR in Crime No.150 of 2024 on the file of the first respondent as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the respondent police have registered a false case based on the complaint given by the second respondent. Based on the complaint given by the second respondent, the first respondent registered a case in Crime No.150 of 2024 for the offences under Section 294(b) of the Indian Penal Code, 1860. But in order to attract Section 294(b) of IPC, there are no evidence even as per the FIR. Therefore, pending FIR is nothing but an abuse of process of law and the same is liable to be quashed.



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3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that after registering FIR, the case has been investigated and filed final report and now final report is yet to be taken on file by the Trial Court.

4. This Court had heard both sides and perused the materials available on record.

5. As per the FIR, the petitioner in the public place abused obscene words that is the allegation. But either in the FIR or in the charge sheet nowhere stated about the place where the petitioner had particularly abused that particular word. Only vaguely stated in the FIR that "பொது இடத்தில் நின்று கொண்டு பொதுமக்களுக்கு இடையூராக அசிங்கமாகவும் அருவருப்பாகவும் திட்டிக் கொண்டு இருந்தார்". The said words are not obscene words and no specific mention about the obscene words. Therefore, the said words would not constitute any offence under Section 294(b) of IPC. Therefore, there are no materials available to constitute the offence under Section 294(b) of IPC even as per the FIR. While so, the registration of FIR itself is an abuse of process of law



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without any materials and therefore, filing a final report based on the FIR cannot be a basis to take cognizance.

6. With the above said observations, this Criminal Original Petition stands allowed and the FIR in Crime No.150 of 2024 is quashed. Consequently, connected Miscellaneous Petition stands closed.

21.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.150 of 2024.
- 2.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

BTR

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