



CRL.OP(MD) NO.13074 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.13074 of 2024

1. S.Akbar Ali
 2. M.Ramakrishnan
 3. I.Jeyapal
 4. S.Sathish
- ... Petitioners

.VS.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
B1-Town Police Station,
Ramanathapuram District.

(Crime No.18 of 2011)

2. T.Rasu
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the impugned charge sheet in C.C.No.134 of 2020 on the file of the learned Judicial Magistrate Court – I, Ramanathapuram District in Crime No.18 of 2011 dated 19.01.2011 under Sections 323, 506(i) of IPC on the file of the respondent No.1 and quash the same.



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For Petitioner : Mr.I.Pinaygash
For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)
For R2 : No Appearance

ORDER

This petition has been filed by the petitioner to quash the charge sheet in C.C.No.134 of 2020 on the file of the Judicial Magistrate Court-I, Ramanathapuram District in Crime No.18 of 2011 dated 19.01.2011 under Sections 323 and 506 (i) of IPC on the file of the respondent No.1.

2. The case of the prosecutions is that the defacto complainant had lodged a complaint before the 1st respondent alleging that, on 18.01.2011 at about 05.30 p.m, when he was travelling in the government bus, the petitioners abused and attacked him on the ground that the defacto complainant misbehaved with the petitioner's village girl. Therefore, based on the complaint lodged by the 2nd respondent, a case in Crime No. 134 of 2020 has been registered. Thereafter, the 1st respondent conducted investigation and filed the final report. Based on the final report, the Trial Court had taken cognizance in C.C.No.134 of 2020 and now the same is pending. While so, the petitioners being the accused filed the petition to



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quash the proceedings.

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3. The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a complaint against the petitioner and based on the same, the 1st respondent registered case in Crime No.18 of 2011. Thereafter, the 1st respondent without conducting a proper investigation has filed the final report. As per the prosecution case, on 18.01.2011, when the defacto complainant was standing in the bus, the petitioner abused and attacked the defacto complainant on the ground that he misbehaved with the petitioner's village girls. In fact, the petitioner did not commit any alleged offence as alleged by the prosecution. On 18.01.2011, the defacto complainant was in drunken mood and he misbehaved with the girls inside the government bus. Therefore, the passengers who travelled in the bus gave warning against the defacto complainant. Apart from that, there was no occurrence happened as alleged by the prosecution. At the time of the above said occurrence, the petitioners did not involve in any illegal activities and the medical report also clearly reveal the intoxication by the defacto complainant. Therefore, there are no ingredients to constitute the offence as against the petitioners for the offences under Sections 323 and 506(i) of IPC. The alleged



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occurrence took place in the year 18.01.2011 and the charge sheet has been filed in the 2020. Therefore, the case is barred by imitation and there are no ingredients to constitute the offences. Therefore, the pending proceedings are liable to be quashed.

4. The learned Government Advocate appearing for the 1st respondent would submit that based on the complaint lodged by the 2nd respondent, they registered a case in Crime No.18 of 2011. Thereafter, they conducted investigation and filed the final report. As per the investigation, there are prima facie material available to constitute the offence and thereby, the Trial Court also had taken cognizance and the case is pending for trial. At this stage, the grounds raised by the petitioners can be tested through trial. Therefore, the petition is liable to dismissed.

5. Heard both sides and perused the records.

6. As per the prosecution, the petitioners assaulted the defacto complainant while travelling in the bus on 18.01.2011. Based on the complaint lodged by the 2nd respondent, they registered a case in Crime



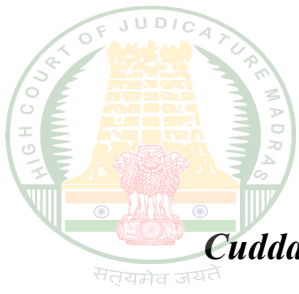
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No.18 of 2011 for the offences under Sections 323 and 506(i) IPC.

Thereafter, the 1st respondent conducted investigation and filed the final report. This Court also perused the entire records. As per the F.I.R and final report, there are some allegations against the petitioner that the petitioners belongs to vanniyakudi and they assaulted the defacto complainant with hands and sticks and the same was pacified by the villagers. As per the FIR and charge sheet, these petitioners assaulted the victim with stick and hand and also caused criminal intimidation and thereby he sustained injuries. As per the records, there are no specific overt acts as against the each accused and only vague and general allegations against the accused and victim did not sustain any blood injuries. There are no ingredients to constitute the offences under Section 506(i) of IPC and there are no any specific overt acts attribute against each accused. Mere utterance of words will not amount to criminal intimidation and no any material to constitute the offense. Moreover, the occurrence took place in the year 2011, the charge sheet has been filed in the year 2020 and therefore, the case is also barred by limitation.

7. At this juncture, it is relevant to refer the judgment of this Court

A.Kaliyaperumal Vs. The Superintendent of Police, Cuddalore,



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Cuddalore District (Crl.O.P.Nos.433 and 543 of 2024 dated 24.01.2024).

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Already this Court after referring various judgement of the Supreme Court as well as this Court quashed the proceedings on the ground of limitation that there is a bar in taking cognizance under Section 468 of the Code of Criminal Procedure, 1973 (Cr.P.C) after lapse of limitation period. In the case on hand also, the offence are punishable below three years and thereby, the charge has been filed after lapse of the limitation period i.e after nine years without filing the petition under Section 473 Cr.P.C. Therefore, in view of the above said judgment and as discussed above this Court is of the opinion that the case is barred by limitation and also there are no ingredients to constitute the offences. Hence, the pending proceedings are liable to be quashed.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.134 of 2020 on the file of the Judicial Magistrate Court-I, Ramanathapuram is quashed.

28.04.2025

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

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To

1. The Judicial Magistrate Court-I,
Ramanathapuram District.
2. The Inspector of Police,
B1-Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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