



Crl.O.P.(MD)No.16404 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16404 of 2024

and

Crl.M.P.(MD)No.10322 of 2024

1.R.Rishikesh

2.B.Ajin

3.R.Rajarajan

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.15 of 2024)

2.S.Vijay,
S/o.Selvaraj,
The Sub-Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records relating to the impugned charge sheet in C.C.No.293 of 2024, pending on the file of the Judicial Magistrate Court No.I, Nagercoil, and quash the same as against the petitioners.



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For Petitioners : Mr.M.P.Senthil

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioners (A1 to A3), who are facing trial in C.C.No.293 of 2024 before the Judicial Magistrate Court No.I, Nagercoil, for offences under Sections 294(b), 353, and 506(ii) of the Indian Penal Code (I.P.C.), have filed the quash application.

2. The case against the petitioners is that, on 13.01.2024, at approximately 06:15 p.m., the first petitioner, riding a two-wheeler (Honda Grazia, bearing Registration No. TN-75-AR-8999), was accompanied by the second petitioner as a pillion rider. At that time, the second respondent, the Sub-Inspector of Police, who was present with his party, stopped the petitioners (A1 and A2) near AVD Government Higher Secondary School. Though the first petitioner was wearing a helmet, the second petitioner was not wearing the helmet. When the same was questioned, the petitioners (A1 and A2) became offended, verbally abused the Police, and called the third petitioner, who arrived on his two-wheeler (Registration No.TN-74-BC-1096). All three petitioners then



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continued to abuse the Police Officers on duty. They created a disturbance in public, attempting to portray the Police as harassing the two-wheeler riders. Furthermore, they threatened to post the incident on social media platforms, such as Facebook and Twitter, and they threatened the Police Party. Hence, a case was registered. After completing the investigation and recording the statements of 11 witnesses, a charge sheet has been filed.

3. The learned counsel for the petitioners contends that, admittedly, the petitioners were college students at the time of the incident. According to the petitioners, only their two-wheeler was stopped by the Police. Furthermore, the petitioners responded in a defiant manner to the Police party, which allegedly angered them, leading to the registration of the case. The petitioners, being college students at that time, were resistant and used some harsh language, which may have contributed to offending the Police and the subsequent filing of the case. Further, the petitioners recorded the events with their mobile phones, which further provoked the Police.



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3.1. The learned counsel for the petitioners submitted that, in this case, the first petitioner is now studying B.E. in Electronics and Communication Engineering at Sri Krishna College of Technology, Coimbatore. The second petitioner is pursuing a Mechanical Engineering course at Udaya School of Engineering, Kanyakumari, and the third petitioner is studying law at S.R.M. College. Now, after completing their schooling, the petitioners are pursuing higher education, and the pendency of the present case poses a significant obstacle to their careers. The petitioners' opportunities to appear for examinations and secure employment in the government and public sector could be severely affected. Similarly, the third petitioner's aspiration to be enrolled as an advocate may remain unfulfilled. The future and careers of the petitioners stand jeopardized. Apart from this case, the petitioners have no other cases against them. Furthermore, the majority of the witnesses in this case are Police Personnel, and the projected eyewitnesses are perceived as obliging witnesses, dependent on the respondent Police. Taking the case as a whole, there is no substantial evidence to support the allegation of threatening against the petitioners.



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3.2. In support of his contention, the learned counsel for the petitioners relied upon the decision of the Hon'ble Supreme Court in the case of **Manik Taneja and another vs. State of Karnataka and another** reported in **2015 (7) SCC 423**.

4. The learned Additional Public Prosecutor submits that the petitioners, who are college students, were riding a two-wheeler in a rash manner. During a road check, the de-facto complainant, along with his Police party, stopped the first petitioner's two-wheeler, and it was found that the second petitioner was not wearing a helmet. Hence, an attempt was made to register a case. At that time, the petitioners (A1 and A2) called the third petitioner and asked him to bring others to support them against the Police personnel performing their public duty. The third petitioner arrived at the scene, and all three petitioners began recording videos on their mobile phones. They also abused the de-facto complainant and the Police personnel. The incident took place in a public area, and a crowd witnessed the entire episode. Afterwards, the petitioners left the location, and the case was registered. Following the registration of the case, an investigation was conducted, including the



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recording of statements of witnesses, some of whom were present at the scene and witnessed the abuse and threats by the petitioners. Subsequently, a charge sheet has been filed in this case, and the case is now ready for trial.

4.1. The learned Additional Public Prosecutor fairly submits that the petitioners are college students, and at that age, they reacted to the Police checking their identity and vehicle. Now, petitioners 1 and 2 are pursuing engineering courses and the third petitioner is studying law. Hence, the learned Additional Public Prosecutor has not seriously opposed the petition.

5. Considering the above said submissions made by both the learned counsel for the petitioners and the learned Additional Public Prosecutor, and taking into account the fact that the petitioners are college students who reacted impulsively during the incident, and considering that they are now, pursuing higher education, this Court is of the view that the pendency of the case would pose a significant obstacle to their future prospects.



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6. In the light of the above, this Court finds that there is sufficient ground to allow the Criminal Original Petition. Accordingly, the proceedings in C.C.No.293 of 2024 pending against the petitioners before the Judicial Magistrate Court No.I, Nagercoil, are quashed, and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

20.01.2025

NCC : Yes / No

Index : Yes / No

smn2 / pnm

To

- 1.The Judicial Magistrate No.I,
Nagercoil.
- 2.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2 / pnm

Order made in
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