



Crl.O.P.(MD) No.17215 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.17215 of 2024

and

CrI.M.P(MD) No.10760 of 2024

A.Mithun Chakravarthi

... Petitioner

Vs.

1. The Inspector of Police
Palanichettipatti Police Station
Theni District

2. S. Baskaran
Jawahar Nagar, Ambethkar Street,
Palanichettipatti
Theni

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Crime No.355 of 2024 on the file of the first respondent police and quash the same as illegal as against the petitioner.

For Petitioner	: Mr.R.Shanmugasundaram, Senior Counsel for Mr.S.Sivakumar
For Respondents	: Mr.M.Sakthi Kumar
No.1	Government Advocate (Crl. Side)
No.2	: No appearance



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in crime No.355 of 2024 on the file of the respondent police.

2. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a false complaint against the petitioner before the first respondent and they registered a case in Crime No.355 of 2024 for the offences under Section 296(b) and 351(2) of BNS. As per the case of prosecution on 14.09.2024 after hearing an audio clip being circulated through whatsapp the second respondent/defcato complainant who is an auto driver came forward and gave a compliant stating that as though no one should park the auto in the said stand near new complex Krishna theatre and only those who the petitioner wishes should park their auto, failing which the petitioner will hire 200 ganga addicts and they will do away with anyone who comes in their way and further claimed that he is the only rowdy in the town. In fact the petitioner is the Chairman of Palanichettipatti Town Panchayat and does not belong to the ruling political party. The petitioner was requested by the first respondent police on 10.09.2024 to resolve the dispute in respect of the auto



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stand parking between two groups. The Executive Officer who seized of the issue had formulated an opinion that the said place shall be no parking zone to avoid any dispute in respect of auto stand parking between two groups. The petitioner submits that no parking board was installed by the Town Panchayat on the advice of the Executive Officer at the request of the first respondent. The first respondent lodged a complaint only to implicate the petitioner in this case on political motive, thereby the registration of the First Information Report is abuse of process of law. Audio was claimed to have been circulated by the third person whose identity is not disclosed. The person who had created and circulated the audio clip is liable to be proceeded under the I.T.Act. The audio clip cannot be basis for complaint and on this ground alone the impugned First Information Report is liable to be quashed. The second respondent/defacto complainant is a hearsay in nature and lacks any logic. So far as the offence under Section 296(b) of IPC is concerned no any obscene words or in the nature of annoyance. So far as offence under Section 351(2) is concerned there is no ingredient to attract the provision and the allegations are vague and it does not constitute the offence.

3. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the second



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respondent the first respondent registered a case in Crime No.355 of 2024 for the offences under Section 296(b) and 351(2) of BNS and the same is under investigation at this stage the First Information Report cannot be quashed and hence the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. The second respondent lodged a compliant before the first respondent and they registered a case in Crime No.355 of 2024 for the offences under Section 296(b) and 351(2) of BNS. According to the petitioner as per the First Information Report there are no ingredients to constitute the offence and the municipal authorities have installed the board as no parking zone. This Court also perused the entire First Information Report and on perusal of the First Information Report the whatsapp message was circulated. As per the message they have to vacate the auto stand and persons whose names stated by the petitioner alone park the auto in the stand otherwise he will do away them through 200 persons of ganga addicts. There is no video recordings produced by the defacto complainant and even as per the First Information Report there are no ingredients to constitute the offence under Sections 296(b) and 351(2) of BNS. So far as offence under Section 296(b) of BNS is concerned no any



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obscene words uttered and as far as Section 351(2) of BNS is concerned there is no any life threat to attract the above said offence and no material to show that the words circulated through whatsapp caused fear in the minds of the complainant. It is well settled law that mere uttering words is not an offence under Section 351(2) of BNS. Only based on vague allegations the present First Information Report has been registered, thereby the pending First Information Report is abuse of process of law and it is liable to be quashed

6. In the result, the Criminal Original Petition stands allowed and the First Information Report in Crime No. 355 of 2024 on the file of the first respondent is hereby is quashed. Consequently connected miscellaneous petition stands closed.

21.04.2025

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

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To

1. The Inspector of Police
Palanichettipatti Police Station
Theni District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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