

Crl.O.P.(MD)No.22158 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16 .04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22158 of 2024

and

Crl.M.P(MD) Nos.13747 and 13748 of 2024

L.Mohammed Ashir

.. Petitioner

Vs.

The Inspector of Police
Chatrapatti Police Station
Dindigul District

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned STC No.571 of 2024 on the file of the learned Judicial Magistrate, Oddanchatram and quash the same as the petitioner/accused.

For Petitioners : Mr.M.Murugesan

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

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.571 of 2024 on the file of the learned Judicial Magistrate, Oddanchatram.



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2. The case of the prosecution is that on 03.08.2024 at about 17.00 hrs near Chatrapatti to Palani main road, Mattupadhai pirivu the petitioner in an intoxicated condition caused nuisance to the public and used obscene words to the public, thereby the respondent registered a case in Crime No. 115 of 2024 for the offences under Section 296 of BNS and Section 4 (1) (j) of TNP Act and thereafter they completed investigation and filed final report and the same is under challenge by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the respondent police registered a false case against the petitioner as if the petitioner in a drunken mood caused public nuisance by obscene words to the public and thereby registered a case in Crime No. 115 of 2024 for the offences under Section 296 of BNS and Section 4 (1)(j) of TNP Act . Infact the petitioner was sitting in the place of occurrence and at that time the respondent police came and enquired about the petitioner and thereby by misusing his official capacity and when the same was questioned by the petitioner the respondent police has registered a false case against him. The First Information Report has been registered on 03.08.2024 at about 17.30 hrs and on the same day charge sheet has been



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filed. Therefore the respondent police without conducting proper investigation the respondent police filed charge sheet. In order to attract the provisions under Section 296 of BNS and Section 4(1)(j) of TNP Act there are no any ingredients and there is no any specific allegations and the allegations are only bald and vague. The trial Court also without any prima facie materials had taken cognizance, therefore the pending charge sheet is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner on 03.08.2024 at about 17.00 hrs near Chatrapatti to Palani main road, Mattupadhai pirivu the petitioner in an intoxicated condition caused nuisance to the public and used obscene words to the public and when the same was questioned by the police he threatened them, thereby case has been registered and on the same day and the respondent police conducted investigation and filed final report. There are prima facie materials available to constitute the offence as against the petitioner and hence the petition is liable to be dismissed.

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



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6. According to the prosecution the petitioner on 03.08.2024 at about 17.00 hrs near Chatrapatti to Palani main road, Mattupadhai pirivu the petitioner in an intoxicated condition caused nuisance to the public and used obscene words to the public, thereby they registered a case in Crime No. 115 of 2024 for the offences under Section 296 of BNS and Section 4 (1)(j) of TNP Act. According to the petitioner false case has been foisted against him. There are no specific allegations to constitute the offence. This Court perused the entire records and on perusal of the First Information Report and final report the allegation against the petitioner is that the petitioner in an intoxicated condition used obscene words and caused public nuisance . In this case there is no any specific words mentioned in the First Information Report or charge sheet . In order to attract the provision under Section 296 of BNS there is no mention about the particular words spoken by the petitioner and only stated that the petitioner used unparliamentary words, therefore there are no materials to constitute the offence under Section 296 of BNS.

7. So far as the offence under Section 4(1)(j) of TNP is concerned the petitioner was subjected for medical examination and as per the medical report there is no mentioned about the percentage of alcohol and



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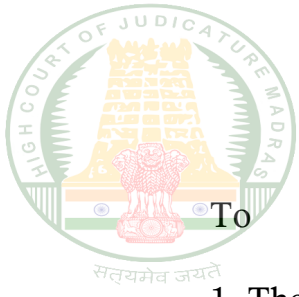
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merely because the petitioner was under intoxicated condition it does not mean that he committed the offence. In order to attract the provision under Section 4(1)(j) of TNP Act no any material to show that the petitioner consumed or bought liquor or any intoxicating drug to attract the offence as per Section4(1)(j) of TNP Act. More over as per the complaint the petitioner in a drunken mood scolded the public but no any public lodged the complaint . Therefore the registration of the First Information Report and filing of final report against the petitioner without any materials is abuse of process of law and the same is liable to be quashed.

8. In view of the same, the Criminal Original Petition stands allowed and the proceedings in STC No.571 of 2024 on the file of the learned Judicial Magistrate, Oddanchatram. Consequently connected miscellaneous petitions stand closed.

16.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Judicial Magistrate, Oddanchatram
2. The Inspector of Police
Chatrapatti Police Station
Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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