



Crl.O.P.(MD)No.22603 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22603 of 2024

and

Crl.M.P.(MD)No.14105 of 2024

Prasanth

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.122 of 2023)

2.S.Muthukumaran,
Sub-Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.122 of 2023, on the file of the first respondent, Kaliyakkavilai Police Station, Kanyakumari District, and quash the same.

For Petitioner : Mr.S.Arul



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Crl.O.P.(MD)No.22603 of 2024

For R1

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner, who is the accused in Crime No.122 of 2023 for the offence under Section 291 of the I.P.C., has filed this quash application.

2. The case against the petitioner is that on 17.05.2023, at about 18:00 hours, the second respondent, Sub-Inspector of Police, along with his police team, were on patrol duty near Padanthumoodu Grace College. They found the petitioner standing there, threatening passersby with abusive language and causing a disturbance to the public. The respondent police warned him and asked him to move away from the area, but the petitioner did not heed the warning. Hence, a case was registered, and he was arrested.

3. The contention of the learned counsel for the petitioner is that the petitioner is a student who was frustrated because he could not find a job. Hence, he was in an agitated mood and had a verbal quarrel with his friend near the college. When questioned by the respondent police, the petitioner abused the Police, which infuriated the police. Hence, the case against him was registered.



Crl.O.P.(MD)No.22603 of 2024

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4. The learned counsel contends that the approach of the respondent police appears to be colonial, as they become offended whenever any member of the public questions or back answers to them, leading to cases being filed against innocent individuals. In this case, the petitioner has been falsely implicated. The petitioner has no criminal antecedents and is actively searching for a job to settle down. His family is also struggling, and he is in a frustrated state, trying to figure out how to advance his career. The registration of this case has further complicated his situation. The pendency of this case is a hindrance to the petitioner's ability to secure employment.

5. The learned counsel further contends that, considering the complaint and the statements as a whole, no case has been made out against the petitioner. No member of the public lodged a complaint against the petitioner causing a nuisance in a public place.

6. The learned Additional Public Prosecutor submitted that the case was registered based on the complaint of the second respondent attached to Kaliyakkavilai Police Station. When the respondent police



Crl.O.P.(MD)No.22603 of 2024

were on patrol duty, they found the petitioner standing in the middle of the road, using abusive and harsh language in public, and verbally abusing passersby without any reason. When the respondent police questioned him, the petitioner continued his abusive behavior. Hence, a case was registered, and now, the investigation is in progress.

7. Considering the submissions made and upon perusal of the materials, it is seen that the primary allegation against the petitioner is that, he was standing on a public road and causing a nuisance by using abusive language. In this case, it is admitted that the complaint was filed by the Sub-Inspector of Police, who was on patrol duty. However, no member of the public has lodged a complaint, nor any individual examined to confirm the use of abusive words and causing a nuisance.

8. The petitioner has admitted that he was frustrated due to his joblessness and was having a heated discussion with his friend near the college, which is quite natural at his age for someone still seeking employment. Further, the colonial attitude of the police has seemingly not changed much, where back-answering a police personnel is considered disrespectful and may lead to allegations of assault or abuse.



Crl.O.P.(MD)No.22603 of 2024

WEB COPY

9. Considering the petitioner's explanation of the events and the facts of the case, and also in the absence of public complaint or evidence that the petitioner caused a public nuisance, a complete reading of the complaint and the FIR reveals that no offence has been made out. Moreover, the pendency of the FIR would only adversely affect the petitioner's future in all aspects.

10. In view of the above, the proceedings pending against the petitioner in Crime No.122 of 2023, on the file of the first respondent Police, shall stand quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed. It is further clarified that this case shall not be cited against the petitioner in any manner that affects his future education or employment-related matters.

09.01.2025

NCC : Yes / No
Index : Yes / No
rmk / smn2
To

1. The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.



Crl.O.P.(MD)No.22603 of 2024

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22603 of 2024

M.NIRMAL KUMAR, J.

rmk / smn2

Order made in
Crl.O.P.(MD)No.22603 of 2024

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