

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.29818 of 2014

and

M.P.No.1 of 2014

S.Rajkumar

.. Petitioner

vs

1.The State of Tamil Nadu rep.by
The Inspector of Police
S-9, Pazhavanthangal Police
Station, Chennai.

2.D.Purushothaman

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the first information report in Crime No.590 of 2014 dated 09.09.2014 on the file of the S-9, Pazhavanthangal Police Station; to quash the same insofar as the case against the petitioner/second accused is concerned.

For Petitioner :Mr.C.K.M.Appaji

For Respondent :Mr.M.Mohamed Riyaz

Government Advocate (Crl.side)
for R1

ORDER

The petitioner seeks to quash the first information report in Crime No.590 of 2014 dated 09.09.2014.

2. Heard both sides.

3. On a reading of the complaint, it appears that A1-Prasad was selling liquor in a Tasmac Bar beyond the time fixed by the Government. A1 was arrested by the police on 09.09.2014 and it appears based on the confession statement given by the first accused that this petitioner is the owner of the bar, he was implicated in this case as A2. However, he was released on anticipatory bail by this Court in Crl.O.P.No.26019 of 2014.

4. Now, this petitioner has come forward to quash the said proceedings on the ground that he is not the owner of the bar and that the owner of the bar is one Shanmugam. It is further urged by the petitioner that the second respondent one Purushothaman, the Inspector of Police, is having some grievance against this petitioner and he has filed this case.

5. This Court will not go into the disputed question of facts. At the same time, the grievance of the petitioner cannot be easily brushed aside since the petitioner has produced material to support his case that he is not the owner of the bar.

6. Under such circumstances, it will be in the interest of justice, that the Assistant Commissioner of Police shall monitor the investigation of this case and look into the grievance of the petitioner and on such investigation, if it is found that the petitioner is not the actual owner of the Tasmac Bar, the respondent police shall close the case as against the petitioner herein and proceed with others, who are involved in this case.

7. With the above observation, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Inspector of Police
S-9, Pazhavanthangal Police
Station, Chennai.
2. The Public Prosecutor, Madras

+ 1 cc to Mr.CKM Appaji, Advocate SR.20516

JP(CO)
EU 28.04.2015

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