

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20152 of 2018
and CRL.M.P.No.10747 of 2018

G.Stalin

... Petitioner

Vs

1.The Inspector of Police,
Chennai Central Railway Police,
Central Railway Station, Chennai
(Crime No.688/2018)

2.Sophia Singh

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of the 1st respondent in Crime No.688 of 2018 on the file of the Chennai Central Railway Police Station, Chennai and quash the FIR.

For Petitioner : Mr.R.Ramachandran

For Respondent : Mr.M.Prabhavathi, APP for R1

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.688 of 2018 on the file of the Chennai Central Railway Police Station, Chennai.

2.It is the case of the petitioner that on the complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.688 of 2018 on 15.06.2018 under Sections 354(A) IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act and Section 4 of Tamil Nadu Harassment of Woman Act against the petitioner, for quashing which, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the entire allegations in the FIR are false and that the de facto complainant has fabricated a case against the petitioner.

4. Per contra, learned Additional Public Prosecutor refuted the contentions.

5. On a reading of the FIR, it is seen that the de facto has alleged that she is a Professor and on 14.06.2018, she was travelling in Raptisagar Express in A1 Coach Seat No.13. The petitioner was travelling in the same Coach in Seat No.15. The petitioner who was found to be drunken, removed his pant, showed his private parts and exhibited his private parts publicly, which was annoying to the de facto complainant. Therefore, the defacto complainant informed the TTR and thereafter, an FIR was registered.

6. On a perusal of the case diary, it is clear there are prima facie materials to show that the petitioner had consumed liquor as could be seen from the 'Certificate of Drunkenness' given by the Rajiv Gandhi Government Hospital, Chennai. Thus, where there are prima facie materials in the FIR, in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal and Others (AIR 1992 SC 604), the same cannot be quashed.

7. This petition is dismissed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Chennai Central Railway Police,
Central Railway Station, Chennai

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Ramachandran, Advocate Sr.56647

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srg 3/9/2018