

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.18609 of 2018

and

Crl.MP.No.9786 of 2018

1. S.Damodharan

2. D.Krishnan

Petitioners

vs.

1.The State Rep. by
The Inspector of Police
S11 Tambaram Police Station
Chennai-600 045.

2. Sukumar

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records pertaining to the FIR in Crime No.852 of
2018 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.A.Rajesh Kanna

For Respondents : Mr.C.Iyyapparaj

Additional Public Prosecutor, for R1

O R D E R

This Criminal Original Petition has been filed to call for
the records pertaining to the FIR in Crime No.852 of 2018 on the
file of the 1st respondent police and quash the same.

2. On the complaint lodged by the second respondent, the
first respondent police has registered a case in Crime No.852 of
2018 on 20.06.2018 for the offences under Sections 294B, 353 and
506(i) IPC against the petitioners herein for quashing which,
the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor for the first respondent-
State.

4. In this case, the de facto complainant is the Sub-Inspector of Police, S11 Tambaram Police Station, Chennai. It is the case of the de facto complainant that the police had arrested one Kiran along with other accused involved in Crime No.851 of 2018 and had brought him to the police station on 20.06.2018. At that time, the petitioners herein appear to have come to the police station and threatened the Sub-Inspector of Police as to how he could arrest Kiran and prevented him from performing his official duties. Hence the FIR.

5. The learned counsel for the petitioners submitted that the second petitioner is a physically challenged person inasmuch he is deaf and dumb and hence, there is no possibility of such a person coming to the police station and threatening the Sub-Inspector of Police.

6. Per contra, the learned Additional Public Prosecutor refuted the contention and submitted that there are prima facie materials to show that the Sub-Inspector of Police was threatened by the petitioners.

7. Taking into consideration the facts and circumstances of the case, this Court transfers the investigation in Crime No.852 of 2018 from the file of the Inspector of Police, S11 Tambaram Police Station to the file of the Assistant Commissioner of Police, S15, Selaiyur Police Station, who shall conduct thorough enquiry and during enquiry, if it is found that the petitioners are not involved in the offence, it is needless to state that the FIR against them should be closed.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.
Mk

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
S11 Tambaram Police Station
Chennai-600 045.
2. The Assistant Commissioner of Police
S15, Selaiyur Police Station
Chennai.
3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.A.Rajesh Kanna Advocate SR.NO.49440

CrI.O.P. No.18609 of 2018

AR(CS-V)

ASK(06/08/2018)