

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.3735 of 2019
and
CRL.M.P.No.2336 of 2019

Asker Abbas Namazi

... Petitioner

Vs.

1.State rep. by
The Inspector of Police
J-9, Thuraipakkam Police Station

2.B.Perumal
Block Health Supervisor
State Tobacco Control Cell
Department of Public Health
and Preventive Medicine
Teynampet, Chennai 600 006

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.20 of 2019 on the file of the Inspector of Police, J-9, Thoraipakkam Police Station and quash the same.

For Petitioner : Ms.R.Saranya

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.20 of 2019 on the file of the Inspector of Police, J-9, Thoraipakkam Police Station and quash the same.

2.The learned counsel for the petitioner would submit that a complaint has been made by the 2nd respondent before the 1st respondent police against the petitioner and another for obstructing the 2nd respondent and his associates from performing their official duty as "Enforcement Duty" under COTPA -2003 Act, at UB-CAFE on 10.01.2019 at 11.45 hours. Hence, the 1st

respondent police without conducting proper enquiry, registered a case in Crime No.20 of 2019 for the offences under Section 341, 353 and 506(i) IPC.

3.The learned counsel would further submit that the petitioner is only a spectator and videographed the erratic behaviour of the complainant / 2nd respondent and his team. The petitioner not at all opened his mouth and the duty bound Government Officials behaviour are videographed. The plain reading of FIR do not make out any offence as alleged by the 1st respondent police. It is only a petty case in nature. Moreover there is no allegation that the petitioner has used criminal force. Accordingly, prays for quashing the F.I.R.

4.The learned Additional Public Prosecutor would submit that the 2nd respondent is the government official while the 2nd respondent and his associates conducting the raid, the petitioner and another obstructed the 2nd respondent and his associates from performing their official duty as "Enforcement Duty" under COTPA -2003 Act, at UB-CAFE on 10.01.2019 at 11.45 hours and threatened them with dire consequences.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

6.It is seen that on 10.01.2019 when the defacto complainant was conducting the raid as "Enforcement Duty" under COTPA -2003 Act, at UB-CAFE, the petitioner and another person obstructed them and questioned them. Thereby, obstructing their official duty. The petitioner also produced the video taken by them before this Court.

7.Considering the above submissions, the 1st respondent police is hereby directed to enquire into the video produced by the petitioner along with the defacto complainant and complete the investigation within a period of two months from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
J-9, Thuraipakkam Police Station

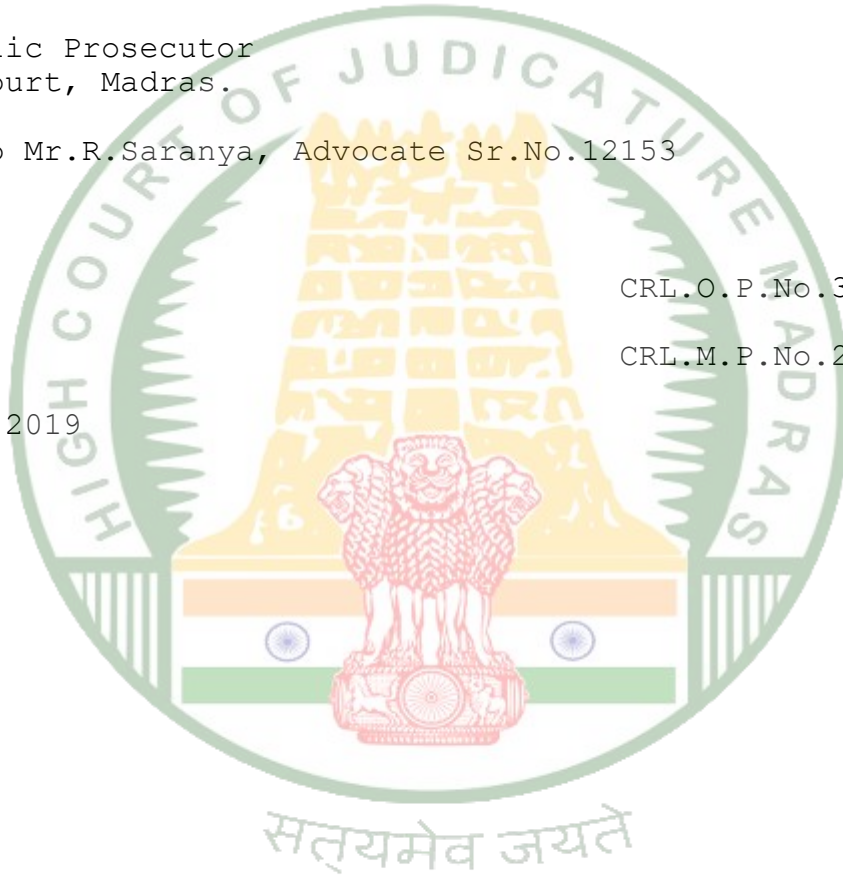
2.B.Perumal
Block Health Supervisor
State Tobacco Control Cell
Department of Public Health
and Preventive Medicine
Teynampet, Chennai 600 006

3.The Public Prosecutor
High Court, Madras.

+2 cc's to Mr.R.Saranya, Advocate Sr.No.12153

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CSL/01.03.2019



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