



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

WEB COPY

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6114 of 2020

and

Crl.M.P. (MD) .No.3218 of 2020

Jeyakumar

... Petitioner / Sole Accused

Vs

State represented by,
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
In Crime No.455 of 2020

... Respondent / Complainant &
Defacto Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned FIR registered in Crime No.455 of 2020, dated 29.04.2020 on the file of the respondent, quash the same.

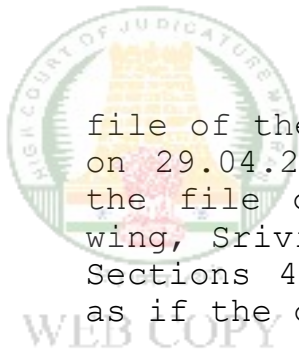
For Petitioner : Mr.K.Gokul

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This petition is filed to quash the impugned FIR registered in Crime No.455 of 2020, dated 29.04.2020 on the file of the respondent Police.

2.This petition has been filed that on the same day two cases have been registered against the petitioner for the offence under Section 269 of IPC and Section 4(1-A) of of Tamil Nadu Prohibition Act, 1937 in Crime NO.455 of 2020 on the file of the Sivakasi Town Police Station, and Crime No.437 of 2020, Srivilliputhur Police Station. The case in Crime No.455 of 2020 was registered on the



file of the Sivakasi Police Station, and the occurrence was shown as on 29.04.2020 at 8.00 a.m, whereas another case was registered on the file of the Inspector of Police, Prohibition and enforcement wing, Srivilliputhur, in Crime No.437 of 2020, for the offence under Sections 41(a), 41(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, as if the occurrence taken place on 29.04.2020 at 5.30 a.m.

3.The learned counsel appearing for the petitioner has raised a plea that both the cases have been registered on the same day by the different police, as if this petitioner has indulged in both the offences, he has also made out a point that the petition filed challenging the case registered in Crime No.437 of 2020 has been entertained by this Court in CrI.O.P(MD)No.5890 of 2020 and an order of interim stay has also been granted by this Court.

4.The learned Additional Public Prosecutor by referring the contents of the Crime NO.437 of 2020 pointed out that the Crime No.437 of 2020 was registered at 05.30am. It is specifically mentioned that the petitioner Jeyakumar was absconding when the accused were arrested by the Inspector of Police, Srivilliputhur. Other case has been registered at 09.30 a.m by the Srivilliputhur Police Station. Therefore, it cannot be a ground to entertain this petition at this stage of investigation.

5.Considering facts and circumstances of the case, this Court deems it fit that it is not a fit case to entertain at this stage of investigation. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



- To
- 1.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 3.The Inspector of Police,
Police Station,
Srivilliputhur.

Crl.O.P(MD)No.6114 of 2020
and
Crl.M.P. (MD) .No.3218 of 2020
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SDS (19.06.2020) 3P-4C