

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.6568 of 2021

S.John Baskar

... Petitioner

Vs.

The State
Rep. by the Inspector of Police
Periyapalayam Police Station
Thiruvallur District.
(Crime No. 1253 /2020)
Respondent

...

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.1253/2020, on the file of Inspector of Police, Periyapalayam Police Station, Thiruvallur District, the Respondent Police and quash the same.

For Petitioner : Mr.G.Daisy John

For Respondent : Mr.Mommahed Riyaz
Additional public prosecutor

ORDER

On consent given by either side, this criminal original petition is taken up for final disposal.

2. This criminal Original petition has been filed to quash the FIR in Crime No.1253 of 2020, pending on the file of the respondent police.

3. The case of the prosecution is that the petitioner was driving a car in which two passengers are said to have carried liquor bottles. The car was intercepted by the respondent police and surprisingly, three FIRs have been registered for the same incident independently against the petitioner and also the two passengers, in Crime No.1253 of 2020, 1254 of 2020, 1255 of 2020. The petitioner has been made

as an accused in Crime No.1253 of 2020. The FIR has been registered for an offence under section 41(A) of the TNP Act.

4. Heard the learned counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of respondents.

5. It can be seen that the petitioner is the owner cum driver of a travels car. Two passengers about whom the petitioner was not aware, had carried some liquor bottles. The liquor bottles were seized from them and two independent FIRs have been registered against them. Just because, the petitioner happened to be the car driver, an FIR came to be registered against the petitioner also. In the considered view of this Court, no offence has been made out against the petitioner and unfortunately, the car has been seized and the concerned authority had initiated confiscation proceedings. The

Continuation of the investigation against the petitioner is an abuse of process of law, which requires interference of this Court under section 482 of Cr.PC.

6. In the result, the FIR in Crime No.1253 of 2021 is hereby quashed and this criminal original petition is allowed.

01.04.2021

Index:Yes/No
Internet:Yes.

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To

1. The Inspector of Police
Periyapalayam Police Station
Thiruvallur District.
2. The Public Prosecutor
High Court, Madras.

N.ANAND VENKATESH, J.,

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