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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7416 of 2021

and

CRL.M.P.No.4919 of 2021

B.Rajesh

... Petitioner / 1st Accused

Versus

1.The State Rep. by
The Inspector of Police
Nagore Police Station,
Nagapattinam District.

... Respondent / Complainant

2.The Deputy Tahsildar,
Election Section,
District Collector Office,
Nagapattinam.

... Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.1129/2020 on the file of the first respondent for the alleged offences under Sections 188, 269, 420, 467, 468 and 472 of IPC against the petitioner.

For Petitioner : Mr.S.Anand Venkatesh

For Respondents : Mr.A.Damodaran
Government Advocate (Cr1.Side)

O R D E R

This petition has been filed to call for the records and quash the FIR in Crime No.1129/2020 on the file of the first respondent for the alleged offences under Sections 188, 269, 420,



467, 468 and 472 of IPC against the petitioner.

2. The petitioner is the first accused in Crime No.1129 of 2020 for the offence under Sections 188, 269, 420, 467, 468 and 472 of IPC has filed this quash petition.

3. The gist of the case is that on 25.05.2020, the defacto complainant/the Deputy Tahsildar, Nagapattinam, was deputed to enforce prohibitory orders in Vanjoor Check Post due to Covid-19 Pandemic. The petitioner, who is a driver attached to Mohan Travels, was on his way to Perunkadambanur from Guduvanchery Chengalpattu District in Toyota Etios Car bearing Registration No.TN-14M-8391. At 10.30 a.m.. When the said car was driven by the petitioner at a high speed and approaching near Vanjoor Check Post, the defacto complainant, who was deputed as Special Officer during pandemic period, stopped the vehicle and inspected the documents of the car and also E-pass. The two persons, who were travelling in the said Car, namely, Ayyappan and his wife, possessed E-pass No.2020/TRVL/22452, was verified through scanner and it was found that it is a forged one. On investigation, it is revealed that the E-pass was handed over by one Anbalagan, Manger of Mohan Travels and one Latha/A4 is the owner of the said Travels. Further, during pandemic restriction, the petitioner had used forged E-pass and travelling. Hence, the complaint filed.

4. The contention of the petitioner is that the petitioner is employed under A4, who is the proprietor of Mohan Travels. The petitioner was given the duty of taking up the passengers A2 and his wife from Guduvanchery to Nagapattinam and at that time, E-pass was handed over to him. The petitioner not aware about the procedure in obtaining E-pass and he had not applied for the same. The petitioner believing that valid E-pass, is possessed he drove the vehicle along with passengers. During verification by the defacto complainant only, he came to know that the E-pass of passengers are fabricated one. Hence, a case came to be registered against him. Further he submitted that due to pendency of the above case, the petitioner is unable to attend to his profession and hence, it is very difficult for him to sustain himself and also to maintain his family. The petitioner is innocent, he filed this petition to quash the FIR.

5. The learned Government Advocate (Cr1.Side) submitted



that in this case, totally four accused. On 25.05.2020, the defacto complainant/the deputy Tahsildar, was on his routine check to implement prohibitory order due to Corona Pandemic. At that time, the petitioner drove the Toyota Car at a high speed and when he was checked, he produced the E-pass. On verification, it was found that it is a forged one. It has now become a habit for the travel agency people; creating forged documents and book travelling, violating the prohibitory order under Section 144 Cr.P.C., is in force.

6. Considering the submissions and perused the materials, it is seen that the petitioner is a driver, who was engaged by A2 and his wife, to take them from Guduvanchery to Nagapattinam. The petitioner was entrusted with the said travelling by the Manager/A3 of the travel agency. The petitioner has not applied for the E-Pass and there is nothing to show that petitioner was aware about the E-pass being a forged one. It is a practice of the travel agency, to hand over E-Paass and allow their drivers to travel. In this case also, the petitioner had carried the E-pass without knowing the same is a forged one. Since there is nothing to show that the petitioner, aware about the E-pass is a forged one, this Court is inclined to allow this petition.

7. In the result, the impugned order in Crime No.1129 of 2020, dated on the file of the first respondent is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

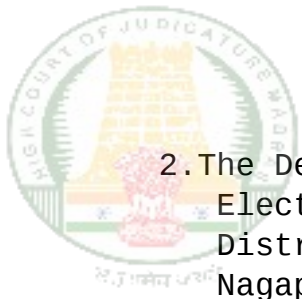
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Sub Assistant Registrar

dna

To

1.The Inspector of Police
Nagore Police Station,
Nagapattinam District.



2.The Deputy Tahsildar,
Election Section,
District Collector Office,
Nagapattinam.

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3.The Public Prosecutor,
High Court, Madras.

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and
CRL.M.P.No.4919 of 2021

RT(CO)
SB(06/10/2021)