



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NOS.1975 & 1984 OF 2019

AND

CRL.M.P.NOS.1251, 1253, 1258 & 1261 OF 2019

Mr.Shyam

... Petitioner/Accused in Crl.O.P.No.1975/2019

1. Mr.Hariharan

2. Mr.Babu

3. Mr.R.Chandrasekaran

... Petitioners/Accused 1 to 3
in Crl.O.P.No.1984/2019

Vs.

1. The State Rep. By
Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.
(Cr. Nos. 322 & 250 of 2018)

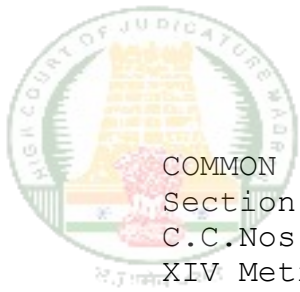
... 1st Respondent/
Complainant in both

2. Mr.Vivek Kumar
Sub Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.

... 2nd Respondent/
Defacto Complainant
in Crl.O.P.No.1975/2019

2. Mr.Sundaramurthy
Inspector of Police,
F-3 Nungambakkam Police Station,
Law and Order,
Nungambakkam, Chennai.

... 2nd Respondent/
Defacto Complainant
in Crl.O.P.No.1984/2019



COMMON PRAYER: Criminal Original petitions have been filed under Section 482 of Cr.P.C, prayed to call for the records in C.C.Nos.9175 & 9118 of 2018 pending on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai and quash the same.

WEB COPY

For Petitioners
in both Crl.O.Ps : Mr.M.Mohammed Rafi

For Respondents
in both Crl.O.Ps : Mr.R.Vinoth Raja
Government Advocate
(Crl. Side)

COMMON ORDER

The Criminal Original Petitions have been filed to quash the case in C.C.Nos.9175 & 9118 of 2018 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the Petitioners had invited attention of this Court to the licence granted by the City Police to the Petitioners and they had been paying fees regularly for the licence granted to them. He had been running a Club under the name of Laakshaya Manamagizhmandram. While so, the Respondent raided the premises and found that they had been violating the terms and conditions of the licence. Therefore, registered the case against the Petitioners.

3. It is the contention of the learned counsel for the Petitioners that as per the licence they had given the number of membership of the club as 392 permanent active members. Therefore, only members of the club were consuming intoxicated drinks. Therefore, there is no violation.

4. The learned Government Advocate (Crl. Side) objects to the line of the argument of the learned counsel for the Petitioners and disputes the fact relying on the typed set of papers in Page 14 relied by the learned counsel for the Petitioner. He further submits that not only the violation of conditions regarding the guest, there were unauthorized persons found to have been consuming Alcohol at the time of raid and the licence was granted to the club under the name of Laakshaya Manamagizhmandram whereas on the date of the raid, it was found that there was a board by name of Glee. Therefore, that was unauthorized.



5. The learned Government Advocate (Crl. Side) submits that what had been argued by the learned counsel for the Petitioners is to be accepted and considered as valuable defence before the trial Court, during trial and recording of evidence before the trial Court and not at this stage to quash the proceedings. He relied on the ruling of the Hon'ble Supreme Court reported in 2020 (3) SCC 317 in the case of Rajeev Kourav Vs. Baisahab and others regarding exercising discretion under Section 482 of Cr.P.C., to quash the charge sheet has to be sparingly used.

6. In the light of the submission of the learned Government Advocate (Crl. Side), the submission of the learned counsel for the Petitioners cannot at all be accepted regarding Page 14 of the typed set of papers. Therefore, the same is rejected.

7. These Criminal Original Petitions are dismissed with direction to take defence by the learned counsel for the Petitioners before the trial Court. The learned trial Judge is directed to proceed with the trial without being influenced by any of the observations made by this Court while disposing of the case. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dh

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai - 08.
2. The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Chennai.

+2ccs to M/s.M.Mohammed Rafi, Advocate, S.R.Nos.22906 & 22907

Crl.O.P.Nos.1975 & 1984 of 2019

NMI (CO)
RLP(19/04/2022)