

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.O.P.No.20850 of 2018
and Cr1.M.P.No.11279 of 2018

Anand

... Petitioner/Accused

Vs.

1.The State represented by
the Inspector of Police
E-3, Teynampet Police Station,
Chennai 600 006.
(Crime No.398 of 2018)

... Respondent - 1/
Complainant

2.Janakiraman
PC:39472
E-3, Teynampet Police Station,
Chennai - 600 006.

... Respondent - 2/
Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.398 of 2018, on the file of the first respondent herein and to quash the same.

For Petitioner : No appearance
For R1 : Mr.C.E.Pratap
Government Advocate (Cr1.Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the Crime No.398 of 2018, on the file of the first respondent herein.

2.The learned counsel for the petitioner is absent and the learned counsel for the second respondent/defacto complainant is also absent.

3.The petitioner/accused has filed the present Criminal Original Petition for quashing of Crime No.398 of 2018 alleging that the father of the petitioner viz., Raghuraman was running a restaurant on partnership basis under the name and style of TURBULENCE, in the third floor of the premises bearing No.C-3, third Floor, Dr.Kamalam Manor at No.520, T.T.K.Road, Alwarpet, Chennai 600 018, which contains a capacity of more than 30 seats and that it is not located within 10 yards of any educational institution and that a separate room was set up for smoking area and that the petitioner has not indulged in sale of Gutka Products, Cigarette or any other Tobacco products to any person, whose age is less than 18 years. It is further alleged that during the month of January-February 2018, the officials of the first respondent police had started harassing the petitioner and his father and also compelled and threatened them not to run the restaurant. Unable to bear the harassment and torture, the petitioner's father was constrained to file a petition in Crl.O.P.No.3949 of 2016, seeking a direction to the respondent not to harass them and by an order dated 09.02.2018, this Court has given a direction to the police to follow certain guidelines. Aggrieved over the same, with a malafide intention, the respondent police has registered a case in Crime No.398 of 2018 on 29.05.2018, for the alleged offence under Sections 353, 506(i) of IPC and Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003. Hence, the present Criminal Original Petition.

4.Based upon the records, the learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the second respondent herein has been prevented the first respondent from discharging of his official duty, in investigating the alleged complaint, which was made out from a discrete enquiry. On inspection of the building and the restaurant run by the petitioner on 29.05.2018 at 21.15 hours, certain substances were said to have been seized and that the substances were prevented under Section 24 of the Cigarette and Other Tobacco Products Act, 2003.

5.Heard the learned Government Advocate (Crl.Side) and perused the materials placed on record.

6.It is the similar case of the respondent police that as per the FIR on 29.05.2018, one Janakiraman, police constable, who was on patrol duty on being called by the Sub Inspector of Police went to the restaurant of the petitioner by name TURBULENCE and as per the direction of Sub Inspector of Police, when Sub Inspector of Police went to the third floor in the lift

and Janakiraman, police constable went to the third floor by stair-case and at that time it is alleged that the petitioner herein prevented them from entering into the hotel and further alleged to have threatened to kill him and thereafter when he went and inspected the place he found some smoking equipments and tobacco products.

7.As stated supra, in the said seizure, certain materials have been seized and hence, it is a matter for investigation and for filing of the charge sheet.

8.The learned Government Advocate would contend that substantial part of the investigation is over and final report will be filed shortly.

9.In view of the same, the respondent police is directed to file a final report within a period of twelve weeks from the date of receipt of copy of this order.

10.As I find that there are no merits in this petition, this Criminal Original Petition stands dismissed with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police
E-3, Teynampet Police Station,
Chennai 600 006.

2.Public Prosecutor,
High Court, Madras.

Crl.O.P.No.20850 of 2018
and Crl.M.P.No.11279 of 2018

MG(CO)
CB(12/07/2022)