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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9028 of 2022

and

Crl.M.P.No.5263 of 2022

Ashwathaman

... Petitioner / 1st Accused

Vs

1. The State rep., by,
The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.

..1st Respondent / Complainant

2. Bazir Ahmed

...2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records and quash the FIR in Crime No.28 of 2019 dated 26.01.2019 on the file of The Inspector of Police, P3, Vyasarpadi Police Station, Chennai.

For Petitioner : Mr.M.P.Saravanan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the FIR in Crime No.28 of 2019 dated 26.01.2019 on the file of The Inspector of Police, P3, Vyasarpadi Police Station, Chennai.

2. The case of the prosecution is that on 26.01.2019, the de-facto complainant/R2, Head Constable of the first respondent Police Station had lodged the complaint before the first



respondent stating that on 26.01.2019, at about 5.00 pm, while he was patrolling in the police vehicle, he had seen that the accused had encroached the SM road with 30 speakers and by playing speakers with loud volume had disturbed the public and caused nuisance and thereby, endangered the life and personal safety of others. Thereby, on the complaint given by the defacto complainant, a case in Crime No.28 of 2019 was registered by the first respondent for the offences under Section 290 and 336 of IPC.

3. The learned counsel appearing for the petitioner would submit that there was a function at the house of the petitioner and that they had not caused nuisance to anybody and no person from the public has given any complaint and the respondent initiated a Suo-moto proceeding against the petitioner and others and registered an FIR in Crime No.28 of 2019 for the offences under Section 290 and 336 of IPC. He would also submit that these are the trivial offences and despite, the case is of the year 2019, the respondent have not filed the final report. He would further submit that the facts of the case are similar to the case covered in the decision reported in 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioner have blocked the road and played the speakers with heavy volume and caused nuisance to the public. He would also submit that the case has been registered based on the complaint given by the Head Constable/R2.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. The facts of this case is similar to the facts covered by the Judgment of this Court reported in 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.

7. In view of the above, this Court is of the opinion that the allegations are also trivial in nature and no useful purpose will be served by keeping the proceedings pending in respect of the accused.



8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.28 of 2019, pending on file of the Respondent Police, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.27872

Cr1.O.P.No.9028 of 2022
and
Cr1.M.P.No.5263 of 2022

BR[co]
NSK/13/05/2022