



Crl.O.P.No.15395 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15395 of 2019

and

Crl.M.P.No.7574 of 2019

C.Muthupandian

... Petitioner

-Vs.-

- 1.The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Egmore, Chennai 08
- 2.The Assistant Commissioner of Police,
Triplicane Range, Chennai 600 005.
- 3.The Inspector of Police,
Law and Order,
H-1, Washermanpet Police Station,
Chennai.
- 4.The State rep by its,
Inspector of Police,
D-2, Annasalai Police Station,
Chennai 600 002.
(Crime No.56 of 2018)

.. Respondents



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Criminal Original Petition filed under Section 438 of Code of Criminal Procedure to call for the records pertaining to FIR dated 18.02.2018 bearing FIR No.56 of 2018 lodged by the fourth respondent and quash the same.

For Petitioner	:R.Rajesh Kumar
For Respondent	:Mr.N.S.Suganthan, Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to quash the complaint dated 18.02.2018 against the petitioner for conducting obscene dance program in his hotel without proper license.

2. According to the FIR, based on prior intimation, at about 23:30 hours, the police authorities have inspected the hotel, run by the petitioner and found more than 10 ladies with obscene dress and 14 spectators in the gallery. Thereafter, 27 persons were apprehended and a sum of



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Rs.1,11,571/- was recovered. A case in Crime No.56 of 2018 under Sections 294A, 509, 109 IPC read with Section 37 of the Tamil Nadu City Police Act, 1888 was registered alleging that the petitioner has engaged ladies for obscene dance in his hotel without proper license.

3. The learned counsel for the petitioner would submit that the entire complaint is malified one and the petitioner is having valid license for public entertainment to conduct Indian Cultural dance in the said premises. He further submitted that the said order was passed and the license was granted by the Commissioner of Police on 26.01.2014, pursuant to the High Court direction. Subsequently, when the petitioner sought for renewal of his license, the license was not renewed without any reason. Hence the petitioner approached this Court by way of Writ Petition in W.P.No.46 of 2017 and an interim order was granted for conducting cultural program in the said premises. While so, the fourth respondent police has registered the complaint on the ground that the petitioner has no license to conduct cultural dance in the premises.



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4. The learned Government Advocate (Criminal side) submits that on 17.02.2018 at about 23.30 hours, the petitioner was conducting obscene dance by engaging ladies and collecting money from spectators . Based on the prior information the said premises was raided and the persons involved in the obscene act were arrested and the money was also recovered. Further it is contended that the license was not renewed to the petitioner and the interim protection granted to the petitioner for conducting cultural dance program will not enable him to conduct obscene dance at late hours.

5. To ascertain whether there was any interim orders granted by this Court for the petitioner to conduct dance program in his premises, this Court requested the learned counsel for the petitioner to produce the order copy. Accordingly, the learned counsel for the petitioner has produced a copy of the order passed by this Court on 04.01.2017 in W.P.No.46 of 2017 wherein, this Court, taking note of the fact that on 05.07.2016, the petitioner has made an application for renewal of his license, passed an order of interim injunction that he shall conduct dance program but not



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obscene dance program and he should not create law and order problem and the dance program shall not go beyond 10:00 p.m. This interim order was passed based on the undertaking given by the learned Senior counsel appeared for the petitioner that the petitioner will not conduct any obscene dance program and will not create any law and order problem.

6. By furnishing the photographs, learned Government Advocate (Criminal side) submits that the petitioner had conducted obscene dance program beyond 10:00 p.m, which is contrary to the interim order passed by this Court and therefore, the fourth respondent police has registered the complaint.

7. Taking note of the above fact, this Court finds that there is no merits in this criminal original petition to quash the complaint, which *prima facie* indicates that the petitioner conducted dance program beyond 10:00 p.m and such dance program was by ladies dressed obscenely.



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8. In view of the above, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is also closed.

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Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa

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(Crime No.56 of 2018)
- 5.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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