



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.06.2022

PRONOUNCED ON : 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.28765 of 2018
and Crl.M.P.No.16788 of 2018

Benjamin ... Petitioner/Accused
Vs.

1.The State represented by
The Inspector of Police,
S-2 Airport Police Station,
Chennai.
Crime No.70 of 2018.

... 1st Respondent/
Complainant

2.Deenadayalan
Sub Inspector of Police,
S-2 Airport Police Station,
Chennai.

... 2nd Respondent/
Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in FIR in Crime No.70 of 2018, dated 08.06.2018, pending investigation on the file of the first respondent police and to quash the same against the petitioner.

For Petitioner : Mr.M.Jaikumar

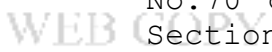
For R1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER

Sole accused is the petitioner herein.

2.This Criminal Original Petition has been filed to quash the FIR in Crime No.70 of 2018, dated 08.06.2018, on the file of the first respondent/ Sub Inspector of Police, S-2 Airport Police Station, Chennai.



3. Brief facts of the case:

(i).The first respondent/complainant had filed FIR in Crime No.70 of 2018, dated 08.06.2018, for the alleged offence under Section 107 of Cr.P.C. In the complaint, it had been alleged that while one Deenadayalan, the defacto complainant/Sub Inspector of Police, Airport Police Station, was in rounds along with his police party in his jurisdiction, the petitioner was calling taxi, taxi in the domestic Airport and seeing the police, he tried to escape but he was chased and caught. At the time of enquiry, the petitioner was giving contrary reply and later he informed that his name is Benjamin S/o.Jabamani and residing at No.9 Sannathi Street, Ganapathypuram, Chrompet, Chennai - 600 044. Thereafter, he was arrested as there was likelihood of law and problem, if he was left alone. Hence, FIR has been registered by the first respondent police for the offence under Section 107 of Cr.P.C. Aggrieved over the same, the accused has preferred the present Criminal Original Petition.

(ii).Section107 of Cr.P.C lays down that whenever information is laid before an Executive Magistrate that any person is likely to commit breach of the peace or disturb the public tranquility or to do any wrongful act that may probably occasion the breach of the peace or disturb the public tranquility and the Magistrate is of opinion that there is sufficient ground for proceeding, he may, in the manner provided under the Cr.P.C, require the person to show cause why he should not be ordered to execute a bond, with or without surety, for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(iii).Thereafter, notice under Section 160 Cr.P.C/91 Cr.P.C dated 19.09.2018 was issued against the petitioner to appear before the first respondent police on 25.09.2018 at 11.00 p.m.

4. The learned counsel for the petitioner would submit that the complainant's complaint does not warrant the registration of FIR under Section 107 of Cr.P.C.

5. Heard the learned counsel on either side and perused the materials placed on record and also perused FIR as well as the summon issued under Section 160 of Cr.P.C.

6. It is further alleged that necessary permission has to be obtained before parking the vehicle as a taxi from the Chennai Airport Authority and the petitioner has not obtained any license for parking or driving taxi inside the Airport premises. The said licensing regulations have been imposed for the better interest of the safety and security of the arriving passengers



and this petitioner indulged in violating the said rules and without license has called the arriving passengers under the guise of providing taxi service. One such incident was reported on 20.04.2018 in the domestic Airport, resulted in filing of the complaint in Crime No.47 of 2018 for the offence under Section 75 of MCP Act and the case is still pending. Again, he has indulged in the very same activity of calling the passengers on 18.07.2018 and thereby, it is affected the regulations imposed by the Chennai Airport Authority that only the licensed taxivallas viz., Ola, Fast Track etc., only can park or provide taxi services.

7.Again the petitioner has committed the same offence and thereby the present complaint in Crime No.70 of 2018 has been registered under Section 107 Cr.P.C. In spite the petitioner was requested to produce two witnesses to close the present case in Crime No.70 of 2018, he neither appeared nor produced any witnesses, resulted in issuance of the summons under Section 160 Cr.P.C/91 Cr.P.C.

8.Taking note of the previous conduct of the petitioner herein and the licensing regulations imposed by the Chennai Airport Authority for regulating the taxi service in the campus of the Airport in the interest of the safety and security of the passengers arriving in the Airport, I find that there is a substance in the complaint and hence, quashing of the complaint does not arise. In this view of the matter, I do not find any merit in this petition.

9.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Inspector of Police,
S-2 Airport Police Station,
Chennai.



2. The Sub Inspector of Police,
S-2 Airport Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Jaikumar, Advocate, S.R.No.36878

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GPL (CO)
CT/01/07/2022