



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.02.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**Crl.O.P. (MD)No.2360 of 2022**

**and**

**Crl.M.P(MD)Nos.1730 & 1731 of 2022**

WEB COPY

- 1.Shankar
- 2.Adaikkalamani
- 3.Alagappan Ambalam @ Alagappan
- 4.Appas @ Abbas
- 5.Chinnaiah

... Petitioners/Accused Nos.1 to 5

Vs.

- 1.The State represented by,  
The Inspector of Police,  
Ponnamaravathi Police Station,  
Pudukkottai District.

(In Crime No.340 of 2020)

... 1<sup>st</sup> Respondent/Complainant

- 2.Francis Mary

... 2<sup>nd</sup> Respondent/  
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned charge sheet in C.C.No.34 of 2022 on the file of the learned Judicial Magistrate Court, Thirumayam, Pudukkottai District and quash the same as illegal.

For Petitioners

: Mr.K.Sivabalan

For R - 1

: Mr.B.Thanga Aravindh

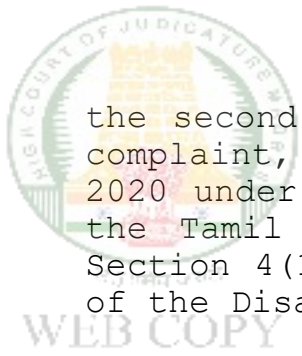
Government Advocate (Crl. Side)

**ORDER**

This Criminal Original Petition has been filed to quash the FIR in C.C.No.34 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai District.

2. There are totally five accused in Crime No.340 of 2020 and all the accused persons are before this Court.

3.The case of the prosecution is that on 15.06.2020 at about 07.00 p.m., while the second respondent along with other police officials conducted the vehicle check up, at that time, the first respondent came in a two wheeler in a drunken mood. The third respondent, who drove the Suzuki Alto, stopped the car in the spot and the first petitioner went inside and car and all the petitioners are inside the car and they abused the defacto complainant. Hence



the second respondent lodged a complaint. On the basis of the said complaint, the first respondent registered a case in Crime No.340 of 2020 under Sections 143, 294(b) 353, 506(i) I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4(1)(j) of the Tamil Nadu Prohibition Act and Section 51(b) of the Disaster Management Act, 2005.

4.Heard both sides and perused the materials available on record.

5.On a perusal of the materials available on record, it is seen that the case in Crime No.340 of 2020 was registered by the first respondent on 15.06.2020 at about about 23.00 hours for the aforesaid allegations. The very same first respondent registered a case in Crime No.339 of 2020 for the offence under Section 270 I.P.C against the petitioners 1, 4 and 5 herein, alleging that while the prohibition order in force under Section 144 of Cr.P.C., due to Covid-19 pandemic situation, without any reason, they roamed around Valaiyapatti 5<sup>th</sup> Road without following the Standard Operating Procedure, whereas, on a perusal of the present FIR revealed that the FIR was registered for the allegation that they were in the car and the third petitioner herein, who drove the car in a drunken mood. The earlier FIR registered at about 06.00 p.m., and they were arrested and brought to the Police Station at about 06.30 p.m. Therefore, if at all the petitioners were in the influence of alcohol, the first respondent would have registered the earlier FIR for other offence also. There is no whisper about the influence of alcohol in the earlier FIR. Thus, it is clear that with malafide intention only to rope the petitioners in the ordeal of trial in the present criminal proceedings, the FIR was registered against the petitioners. That apart, there is no ingredients to attract the offence under Section 294(b) of I.P.C. Further, there is no allegation for criminal intimidation by anyone of the petitioner to attract the offence under Section 506(1) of I.P.C. Further, all the allegations are trivial in nature and as such, the entire proceedings cannot be sustained as against the petitioners.

6.In view of the above, the Criminal Original Petition stands allowed and the proceedings in C.C.No.34 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai District, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



ps

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Judicial Magistrate Court, Thirumayam,  
Pudukkottai District
2. The Inspector of Police,  
Ponnamaravathi Police Station,  
Pudukkottai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate ( SR-5548[F] dated 11/02/2022 )

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10.02.2022

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KB(01.03.2022) 3P 5C