



Crl.O.P.(MD)No.5590 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.5590 of 2020

and

Crl.M.P.(MD).No.3078 of 2020

Jeyakumar

... Petitioner/Accused No.4

Vs.

State, Represented by
The Inspector of Police,
PEW-Srivilliputhur Police Station,
Srivilliputhur,
Virudhunagar District.

... Respondent/ Complainant &
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned F.I.R. registered in Crime No.437/2020, dated 29.04.2020 on the file of the respondent, quash the against this petitioner.

For Petitioner : Mr.K.Gokul

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.437 of 2020 on the file of the respondent registered for the offences under Section



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4(1)(a), 4(1)(i) and 4(1-A) of the Tamil Nadu Prohibition Act alleging that the petitioner was found in possession of liquor bottles. It is further alleged that the petitioner had escaped and the remaining three accused were arrested on the same day.

2. The learned counsel for the petitioner submits that the said FIR is an after thought and it is an abuse of process of law. The petitioner is alleged to have committed another crime on the same day at 9.00 AM registered on the file of the Virudhunagar Police Station in Crime No.455 of 2020. Therefore, according to the learned counsel for the petitioner, it is highly improbable for a person, who is alleged to have been caught and escaped from the Police in the previous crime said to have taken place at 5.30 AM, to commit another crime at 9.00 AM within the jurisdiction of another Police Station and therefore, the learned counsel for the petitioner prayed for quashing of the FIR in Crime No. 437 of 2020.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that the FIR in Crime No.437 of 2020, which is impugned in the present Criminal Original Petition and the FIR in Crime No.455 of 2020 relate to two different incidents. The petitioner was arrested in Crime No.455 of 2020



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and subsequently, on filing of final report in the said Crime No.455 of 2020 on 03.09.2021, numbered as S.T.C.No.588 of 2021 on the file of the learned Judicial Magistrate, Sivakasi, the petitioner pleaded guilty. The impugned FIR relates to another incident which took place within the jurisdiction of the respondent Police and the question whether it is probable or not has to be decided in a trial.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5. The main contention of the petitioner is that he had not committed the alleged offence said to have been committed at 5.30 AM on 29.04.2020. He was implicated falsely in the said FIR and that it is improbable for a person to commit two offences within a span of few hours, especially after he is alleged to have escaped from the Police. The petitioner is the President of a Club and there is no necessity for him to indulge in such activities.

6. The above submission made by the learned counsel for the petitioner cannot be appreciated in a quash petition. It involves disputed facts which can be adjudicated only in a trial. The petitioner is at liberty to raise all these



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grounds at the appropriate stage, if the respondent files a positive final report after investigation in the impugned FIR.

7. With the above observations, this Criminal Original Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

13.12.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Inspector of Police,
PEW-Srivilliputhur Police Station,
Srivilliputhur,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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and
CrI.M.P.(MD).No.3078 of 2020**

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