



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.6236 of 2020

WEB COPY

R.Balakrishnan

... Petitioner/
Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.444 of 2017)

... 1st Respondent /
Complainant

2.Arun John Wishly Raj,
Inspector of Police,
Traffic Regulation Wing,
Nagercoil,
Kanyakumari District.

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the case registered in First Information Report in Crime No.444 of 2017 on the file of the first respondent and quash the same as illegal as against the petitioner concerned.

For Petitioner : Mr.G.Anto Prince

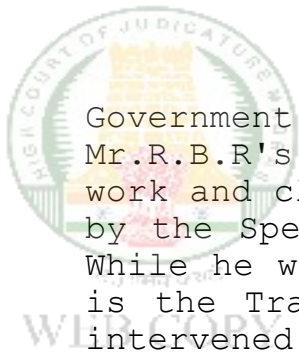
For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side) for R.1

ORDER

This Criminal Original Petition has been filed to quash the FIR as against the petitioner / Accused No.1 in Crime No.444 of 2017, on the file of the first respondent for the alleged offences under Sections 294(b), 353 and 506(ii) IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984.

2. The case of the prosecution is that on 30.10.2017 at about 08.00 p.m there was a traffic congestion at District Collector Office Junction Road. Since the road maintainance work was carried out by the petitioner, there was a traffic congestion, the defacto complainant along with HC - 106 Mr.Ramesh, HC - 1547 Mr.Balakrishnamani, SI - Mr.Senthilvel, HC - 634 Mr.Murugan was on duty near District Collector Office Junction. At that time the



Government Contractor, one Mr.R.B.R @ R.Balakrishnan along with Mr.R.B.R's JCB Vehicle Driver, who was doing the road maintainance work and clearing the road obstructions as per the work order issued by the Special Engineer, National Highways Department, Tirunelveli. While he was engaged in the road work, the defacto complainant, who is the Traffic Inspector of Police and the Traffic Police Station intervened and interfered with the Police Booth removal works which is available near the District Collector Office at Nagercoil. At that time, the petitioner used filthy language against the defacto complainant and caused hurdles to the work and wordy altercation took place between the petitioner / Accused No.1 and the petitioner thereby restrained the defacto complainant from discharging his official duty and thereby threatened him with dire consequences.

3. Admittedly, the petitioner is a registered clause-I contractor at Public Works Department and Highways Contract works for the past 35 years. While being so, the petitioner is engaged in road widening work from Kottar to Parvathipuram Junction and also to remove some damaged trees and other physical obstructions available therein were removed for the purpose of works only on the basis of the order issued by the special Chief Engineer, National Highway Department, Tirunelveli, dated 28.04.2017 vide Memo No.TRP 21/2016-2017/DO.

4. On the date of the alleged occurrence, the first accused along with his workers were using JCB Vehicle to remove the Police Booth at District Collector Office Junction, Nagercoil, Kanyakumari District. The work has issued by the National Highway Department. At the time of removing of the Police Booth, there was a quarrel between the accused and the second respondent. The second respondent, being a Police Officer with an ulterior motive and malafide, abusing his official power and lodged the present complaint. The FIR has been registered in the year 2017. Till today, no investigation has been done and it is simply kept pending.

5. Therefore, it is a clear abuse of process of law and the petitioner is being a contractor only under work order and also obtained permission from the National Highways had proceeded to remove the Police Booth situated in the National Highways. The FIR is quashed. This Criminal Original Petition is allowed.

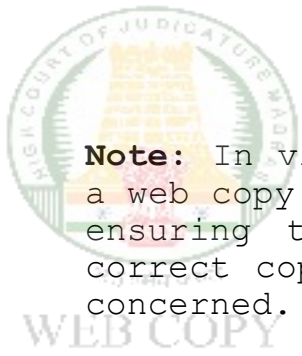
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Traffic Regulation Wing,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-10860[F] dated
09/03/2022)

CrI.O.P(MD)No.6236 of 2020
07.03.2022

RK(24/03/2022) 3P 5C