



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.11478 of 2021

and

W.M.P(MD)Nos.9009 & 15719 of 2021

WEB COPY

Sethu

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Home Secretary,
St. George Fort,
Chennai.

2.The Inspector of Police,
Allinagaram,
Theni District.

3.The Inspector of Police,
Prohibition and Enforcement Wing,
Theni District.

... Respondents

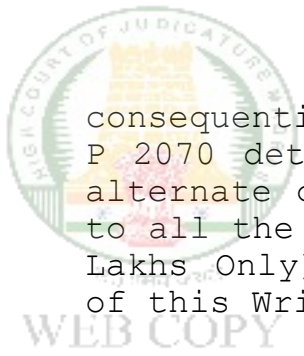
PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Crime No.2227 of 2020 on the file of the respondent Nos.2 and 3 as the case may be and to quash the same on ground that no report under Section 48 of Tamil Nadu Prohibition Act is possible in view of the in the First Information Report and other documents of the case is concerned and to pass such consequential orders as this Court may think fit and proper in facts and circumstance of the case may be and grant either consequently relief directing the release of Auto bearing No.TN 60 P 2070 detained by the respondent Nos.2 and 3 and either in alternate or in addition to the aforesaid reliefs issue a direction to all the respondents for the payment of Rs.10,00,000/- (Rupees Ten Lakhs Only) as compensation with subsequent interest from the date of this Writ Petition.

For Petitioner : Mr.S.Jayavel

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the F.I.R in Crime No.2227 of 2020 on the file of the second and third respondents and grant either



consequential relief directing the release of Auto bearing No.TN 60 P 2070 detained by the second and third respondents and either in alternate or in addition to the aforesaid reliefs issue a direction to all the respondents for the payment of Rs.10,00,000/- (Rupees Ten Lakhs Only) as compensation with subsequent interest from the date of this Writ Petition.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3.While pending this Writ Petition, the petitioner already filed a quash petition for quashing the F.I.R in Crime No.2227 of 2020 on the file of the third respondent. Further, the vehicle involved in the said crime number was also returned by the learned Judicial Magistrate, Theni in CrI.M.P.No.2051 of 2020, dated 23.12.2020.

4.The only grievance of the petitioner is that though the learned Magistrate returned the vehicle, by an order dated 23.12.2020, only after filing this Writ Petition, the said vehicle was returned to the petitioner. Therefore, the compensation sought for in this Writ Petition cannot be considered at this stage while pending investigation.

5.In view of the above, the Writ Petition is devoid of merits and the same is dismissed. However, the petitioner is at liberty to pursue the quash petition registered in Crime No.2227 of 2020 in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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 Home Secretary,
St. George Fort,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Allinagaram,
Theni District.

3.The Inspector of Police,
Prohibition and Enforcement Wing,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.S.JAYAVEL, Advocate (SR-13433[F] dated 22/03/2022)

W.P (MD) No.11478 of 2021
18.03.2022

RD(30.03.2022) 3P 7C