



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.19201 of 2021

WEB COPY

Rajapandi

... Petitioner

Vs.

1.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.515 of 2021)

2.Jeyaprakash
Special Sub Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for records relating to the FIR in Crime No.515 of 2021 on the file of the first respondent quash the same as against the petitioner is concerned.

For Petitioner : Mr.M.Subash Babu

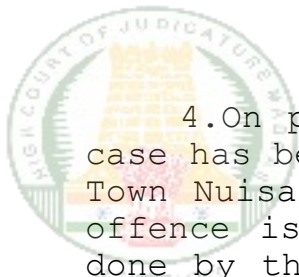
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This criminal original petition is filed to set aside the proceedings in Crime No.515 of 2021 on the file of the first respondent.

2.The case of the prosecution is that on 16.10.2021 when the second respondent police along with other deputed police officer were in surveillance to implement the order under Section 144 of Cr.P.C, they found that the petitioner said to have used loud speakers and playing a song with huge volume, which created public nuisance and violated the restrictions by disobeying the prohibitory order of Section 144 of Cr.P.C. With the above allegations, the respondent police registered the above FIR.

3.Heard the learned counsel appearing on either side and perused the records.



4.On perusal of the First Information Report revealed that the case has been registered for the offence under Section 3-A Tamilnadu Town Nuisance Act, 1889. The main ingredients to attract the said offence is that the general public will face nuisance by the act done by the accused persons. Here it is not a case of the second respondent that he received the complaint from the General Public that the petitioner caused nuisance. Even according to the case of the prosecution, the respondent police were in surveillance found that the petitioner used loud speaker and playing songs with huge volume. Therefore, the said offence would not attract the petitioner and the registration of the FIR itself nothing but abuse of process of law.

5.In view of the above observations, this Criminal Original Petition is allowed and the proceedings in Crime No.515 of 2021 on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

cp

To:

1. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUBASHBABU, Advocate (SR-6055[F] dated 14/02/2022)

Crl.O.P.(MD)No.19201 of 2021
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RK(11/03/2022) 2P 4C