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Criminal Original Petition No.17674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17674 of 2023

1. Naveen Kumar
S/o.Duraisamy

2. Suresh,
S/o.Kaliappan

3. Rubesh
S/o.Mathu

...Petitioners

Vs.

1. State of Tamil Nadu,
Inspector of Police,
B-2 Esplanade Police Station,
Chennai.

2. Sirajudeen,
S/o. Abdul Kaboor,
Sub Inspector of Police,
High Court Security Wing,
Madras High Court Campus,
Chennai – 600 104.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records relating to FIR.No.389 of 2022 on the file of the respondent police and quash the same.



Criminal Original Petition No.17674 of 2023

For Petitioner : Mr.I.MD.Arif

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.389 of 2022 on the file of first respondent.

2. The second respondent gave a complaint to the first respondent to the effect that on 11.12.2022, the drone camera was sent flying at about 10.45 a.m in the prohibited area of the Madras High Court and landed near the Bar Council of Tamil Nadu and Puducherry building. According to the second respondent, it was operated by the accused persons (A1 to A3). Based on this complaint, a FIR came to be registered by the first respondent for the offence under Sections 287 of IPC, 10 and 11 of Aircraft Act, 1934.

3. Heard Mr.I.Md.Arif, learned counsel appearing for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.



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4. A petition was filed before this Court seeking for return of property.

The same was disposed of by this Court in CrI.R.C.No.139 of 2023 by order dated 15.02.2023. It is seen from the order that the drone that was seized did not contain any memory card and no photographs/images were captured. In view of the same, this Court directed the property to be handed over to the owner.

5. It is brought to the notice of this Court that the petitioners had permission to operate the drone near the Ripon building. Due to some network issues, the drone got out of control and it landed in the Bar Council of Tamil Nadu and Puducherry building. Nothing incriminating was found and no pictures were captured and no memory card was available, hence it should be construed that the drone had landed in the Bar Council of Tamil Nadu and Puducherry building by sheer accident. Hence, continuation of the investigation in the pending FIR will be an abuse of law, which requires the interference of this Court.



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N.ANAND VENKATESH, J

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In the result, the First Information Report in Crime No.389 of 2022 pending on the file of the respondent is quashed and accordingly, this Criminal Original Petition is allowed.

11.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The Inspector of Police,
B-2 Esplanade Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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