



WEB COPY



Crl OP No.26865 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.26865 of 2019

and

Crl.M.P.No. 14313 of 2019

Vaginya Hariprasath

... Petitioner/Accused A5

Versus

1. The State

Rep. by the Inspector of Police,
K-1, Sembium Police Station,
Chennai District.
[Crime No.1186/2018]

... Respondent/Complainant

2. Jaganathan

Inspector of Police,
K-1, Sembium Police Station,
Chennai District.

... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for the records and quash the entire proceedings in Crime No.1186/2018 pending on the file of the respondent Police against the petitioner.



Crl OP No.26865 / 2019

For Petitioner : Mr.P.Prabhu
For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed is to quash the FIR in Crime No. 1186 of 2018 for the offence under Sections 45 and 46 of Tamil Nadu City Police Act and under Sections 353 and 506 (II) of IPC.

2. It is alleged in the complaint that A1 to A4 had rented a room in a Lodge called Iswarya Lodge and they were playing cards. When the respondent Police had searched the premises, the first four accused threatened the Police with wooden logs. It is alleged that the petitioner was running the lodge.

3. The learned counsel for the petitioner/5th accused submits that he is the lessee of the Lodge. There is nothing in the impugned complaint to suggest that the petitioner had any role in the alleged



Crl OP No.26865 / 2019

offences committed by A1 to A4. He has been falsely implicated.

WEB COPY

4. The learned Additional Public Prosecutor submits that A1 to A4 had taken a room in the said lodge and were playing cards and they had committed the offences charged. However, he fairly conceded that there is no material as regards the petitioner herein to connect them with the other accused.

5. This Court on reading of the impugned Final Report finds that all the allegations are against A1 to A4 stating that they were playing cards in a room and when search was conducted by the respondent Police, they threatened the Police with wooden logs etc. There is nothing in the impugned FIR to connect the petitioner with the said crime. It is only on the basis that he is a lessee running the Lodge he has been prosecuted. The impugned FIR therefore is an abuse of process as against the petitioner alone and is quashed in respect of the petitioner alone. The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

20.03.2023

jv



Crl OP No.26865 / 2019

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police,
K-1, Sembium Police Station,
Chennai District.
2. The Public Prosecutor
High Court of Madras
Chennai – 600 104.



WEB COPY



Crl OP No.26865 / 2019

SUNDER MOHAN, J.

jv

Criminal Original Petition No.26865 of 2019
and Crl.M.P.No. 14313 of 2019

20.03.2023