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Crl.O.P.No.8412 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8412 of 2022

and

Crl.M.P.No.4909 of 2022

1.T.Deepak Rajappa
2.R.Gopinath

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
Anaicut Police Station,
Vellore District.
Crime No.30 of 2022

2.The Deputy Thasildhar,
Head Quarters,
Anaicut Taluk Office,
Anaicut, Vellore District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with Crime No.30 of 2022 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.M.P.Rajendran
For Respondents : Mr..S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to quash the FIR in Crime No.30 of 2022 pending investigation on the file of the 1st respondent police, for the offence under Section 353 of IPC.

2. The case of the prosecution is that based on the complaint received from the Deputy Thashildar, the present FIR has been registered. In complaint, the De-facto complainant had said that the petitioner was allowed to inspect the certain documents regarding the documents he sought for inspection under Section 2(h) of the Right to Information Act, 2005 on 08.03.2022 at around 12.00 p.m. He came to the office of the defacto complainant and the petitioner took videograph of the office premises of the defacto complainant and other office bearers. While the defacto complainant restraint to do so as it is against the law, the petitioner refused to stop the same, due to which the defacto complainant and other office bearers of the 2nd respondent office were refrain from doing their official duty. Hence, the complaint.



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3. The learned counsel for the petitioners submitted that on 21.12.2021, the 1st petitioner made an application under Section 2(G) of Right to Information Act, 2005 seeking permission to inspect and to take the copies of the movement register of the officer bears of the Anaicut Taluk Office, and to take the copies of the Identity Card of the Government Official and to take the certified copies of the acknowledgement receipt of the Grievance petitions and receive from public and to take copies of the receipts of Vehicle and Computer maintenance expenses of Thashildar Office. He further submitted that the petitioners properly got the permission to inspect the document and taking videography in the 2nd respondent office, he did not permit the petitioners on the event of inspection and a false complainant has been foisted against them. Hence, he prays to quash the FIR against the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that based on the complaint lodged by the defacto complainant, FIR has been registered in Crime No.30 of 2022, on the file of the 1st respondent police, for the offence under Section 353 of IPC. He further submitted that it is only



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at the stage of FIR and it needs detailed investigation. Hence, he opposed to quash the proceedings against the petitioners.

5. Considering the submissions made by both side counsels, and also a fact that the permission was granted to the petitioners to inspect the document, but at that time he was taken photograph by over riding the permission of the defacto complainant and the attitude to take photograph of the entire office needs detailed investigation, therefore this Court is not inclined to quash the proceedings against the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Neutral Citation: Yes/No

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- 3.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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