



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.7376 of 2024
and CRL.M.P Nos.5359 & 5361 of 2024

1.Mr.Abdul Rahman
2.Mr.Basha

...Petitioners

Vs.

1.State By: The Sub Inspector of Police,
Ukkadam Police Station,
Coimbatore.
Crime No.191 of 2022.

2.S.Sabaridasan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C.No.7934 of 2022 on the file of the Judicial Magistrate Court-V, Coimbatore and quash the same.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.A.Gopinath
Government Advocate for R1

ORDER

This criminal original petition has been filed to quash the proceedings in
STC No.7934 of 2022 pending on the file of the Judicial Magistrate Court V,



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2.The case of the prosecution is that the petitioners were burning tyres nearby road junction and thereby, they were causing danger to others who are accessing the road. In the light of this complaint made by the 2nd respondent, an FIR came to be registered for offence under Section 285 of IPC.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

4.The allegation that has been made in the FIR is that the 2nd respondent found that there were traces of two tyres burnt in the scene of occurrence.

5.In order to constitute an offence under Section 285 of IPC, the accused persons must have indulged in a conduct with respect to fire in such a rash and negligent manner in order to endanger the human life or likely to cause hurt or injury to any other person. The petitioners are said to have burnt two tyres. This came to light only after seeing the traces of the burnt tyres. There is nothing to show that this conduct has resulted in causing any danger to the life of anyone or likely to cause hurt or injury to anyone. If entire materials are taken into



consideration, no offence has been made out against the petitioners. Hence, this Court is inclined to exercise its jurisdiction under Section 482 of Cr.P.C., and quash the proceedings.

6. In the light of the above, proceedings in STC.No.7934 of 2022 pending on the file of the learned Judicial Magistrate Court V Coimbatore, is hereby quashed and accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

26.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

1. The Judicial Magistrate Court-V, Coimbatore.
2. The Sub Inspector of Police,
Ukkadam Police Station,
Coimbatore.
3. The Public Prosecutor,
Court, Madras.



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N.ANAND VENKATESH, J

SSR

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