



WEB COPY



Crl.O.P.No.7374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2024

Coram

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7374 of 2024
and
Crl.M.P.Nos.5356 & 5357 of 2024

Abdul Kathar

.. Petitioner

/versus/

1.The State rep. by
Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore.

2.Manjula.P.
SSI of Police,
B-1 Bazaar Police Station,
Coimbatore.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the charge sheet in C.C.No.1667 of 2023 on the file of the Learned Judicial Magistrate-V, Coimbatore and quash the same as illegal.

For Petitioner :M/s Navas Shareef

For Respondents :Mr.K.M.D.Muhilan
Government Advocate (Crl.Side) for R1



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ORDER

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2. The First Information Report indicates that on 08.11.2022 during the patrol duty, the defacto complainant Ms.P.Manjula, Sub Inspector of Police along with driver Mr.Suresh and Special Sub Inspector, Mr.Velliangiri, were in search of one suspect near Anbu Nagar -1st Street and when she enquired the petitioner herein about the whereabouts of the suspected persons, the petitioner herein abused her and prevented her from discharging the duty. Therefore, she has given a complaint and the same has been registered in Crime No. 348 of 2022 under Sections 353 of I.P.C, dated 09.11.2022. On completion of investigation, Final Report has been filed and the same has been taken cognizance in C.C.No.1667 of 2023 on the file of the Judicial Magistrate-V, Coimbatore.

3. This petition is filed to quash the calendar case on the ground that the guidelines of *Bhajan lal case* for quashing the First Information Report squarely applies to this case. According to him, the petitioner is an active Member of the National Party and he used to participate in agitation and protest



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to safeguard the rights of the people. On the date of occurrence, at about 08.00 a.m., the defacto complainant and many other police officials came to the place and enquired the petitioner about the person, who is the tenant in his house, the petitioner informed the police that at that time, there is no one in his house, they all were went to the relative house. When the police went to break open the house, he expressed his anxious, in the way the police behaved. Thereafter, he called the tenant and when the tenant reached, the police has opened his house to conduct the search. After completion of the search, the police left the place. There is no nexus between the alleged crime and the petitioner.

4. This Court from the reading of the petition is able to see that there was an occurrence took place as found in the complaint. The petitioner was present at that time and he refused to co-operate with the enquiry made by the defacto complainant. Even according to him, the suspected person was the tenant in his house and he did not allow the police to conduct the search and only after some persuasion he has called the tenant and search was conducted. Hence, *prima facie* it is very clear case that he resisted the police to discharge the duty and now come out with the allegation that he being a member of the National Party and leading several protest, he has been targeted.



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5. This Court finds that the said defence is absolutely irrelevant when the petitioner himself admits that the suspected was the tenant in his house and he refused to permit the police to conduct search of the house. Hence, this Criminal Original Petition filed to quash the charge sheet in C.C.No.1667 of 2023 on the file of the Judicial Magistrate-V, Coimbatore stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

04.04.2024

Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To

1.The Learned Judicial Magistrate-V, Coimbatore.

2.Inspector of Police, B-1 Bazaar Police Station,
Coimbatore.

Dr.G.JAYACHANDRAN,J.



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