



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 28801 of 2022

1 S.ARUNRAJ

...Petitioner

Vs.

1 STATE REP BY
INSPECTOR OF POLICE M5 ENNORE POLICE
STATION CHENNAI 600 057.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C ,to call for the records pertaining to C.C.No.121/2021 on the file of the learned Judicial Magistrate Thiruvottiur and quash the same.

For Petitioner : Mr.P.Parthipan
For R1 : S.Vinoth Kumar
Government Advocate (Crl.side)

ORDER



The petitioners herein filed this petition to call for the records pertaining to C.C.No.121/2021 on the file of the Judicial Magistrate Thiruvottiyur and quash the same.

2. The case of the prosecution is that on 05.11.2020 by the then Inspector of Police Mr.Pugazhenthir (M-5, Ennore Police Station) before the respondent police stating that a special team was formed to arrest one Dhanasekar @ Ennore Dhanasekar who was cited as History Sheeter rowdy in pursuance of the Non Bailable Warrant issued against him in Cr. No. 64/2010 U/s. 341, 367, 384, 506(ii) of IPC. While so, he received an information that the said Accused was secured along with his associates Mr. Arunraj and Madhan Madhan Kumar. On receipt of such information, the informant rushed to Kovilpatti by rented Car along with his Special Team and reached there on 05-11-2020. It is further stated that as soon as he reached Kovilpatti Police Station, the said Accused and 2 others were handed over to him. In order to execute the NBW, he had arrested the said Dhanasekar @ Ennore Dhanasekar and take the other two person for interrogation. When they were on the way to Chennai, the said accused had abused the police officers with filthy language and also threatened them in dire consequences. When they reached Mullai Nagar within the range Ennore, the afore said accused had requested to stop the Car as the nature



called but it was refused by the said Inspector. As their request was refused, they had scolded Mr. Pugazhenthir and his sub-ordinate in filthy language and also threatened them in dire consequences. Based on this case has been punishable under sections 294(b), 353 and 506(1) of I. P.C. After investigation the respondent police filed a final report and the same was taken on file in C.C No. 121 of 2021, on the file of the Judicial Magistrate Court, Thiruvottiyur. Hence, the petitioner filed this petition to quash the said final report.

3. The learned counsel for the petitioner submits that the petitioner is a lawyer by profession and dealing with most of the cases of Mr. Dhanasekar @ Ennore Dhanasekar. He went to his friend marriage at Tirunelveli and returned via Kovilpatti, where he met Mr. Dhanasekar Ennore Dhanasekaran. All of a sudden a group of police gathered before them caught hold the said Dhanasekar and the petitioner. However, the petitioner had informed to the Kovilpatti Police officers that he is a lawyer what for they caught hold him, for which the police had asked him to produce the Identity Card and the same was produced. However, they simply informed that they have to verify the originality of Identity Card and thereby requested the petitioner to wait for some times. Being a law abiding citizen, he had



waited there for hours together. Later on, the police officials had handed over the petitioner along with said Accused Dhanasekar to the respondent police. The petitioner was without any valid reason brought to the respondent police under the police custody and treated him like an accused. The respondent police had registered the instant false case as against this petitioner in order to avoid legal proceedings for their illegal detention and arrest of the this petitioner. The petitioner had not committed any such offence as narrated by the police. Further, he submits that all the evidence are police witness there is no independent witness on the side of the petitioner. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl. side) Submits that the petitioner was prevented the police officers to discharge their duties and also abused and threatened them in dire consequences. Hence, he prays to dismiss this petition.

5. Considering the facts of the case, admittedly all the witnesses were police witness there is no independent witness on the side of the prosecution to prove that this petitioner abused and threatened the respondent police and also there is no incriminating material against the petitioner. Furthermore, the petitioner is an advocate by profession he might have discussion with his



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client. Hence, C.C No. 121 of 2021 is quashed in respect of this petitioner only. Further, the petitioner being an advocate should have maintained distance with the rowdy elements.

6. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

07.03.2024

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To

1. The Public Prosecutor,
High Court, Madras.

2. The Judicial Magistrate Thiruvottiyur.

T.V.THAMILSELVI, J.

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