



Crl.O.P.No. 4529 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 4529 of 2025

and

Crl.M.P.No.2890 of 2025

Ruthirapathi @ Ruthrakumar @ Ruthra Petitioner

Vs

1. State Represented By,
The Inspector of Police
Auroville Police Station,
Villupuram District
(Crime No. 39 of 2025)

2. C. Kamalakasan
Inspector of Police,
Auroville Police Station,
Villupuram District.

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the Crime No.39 of 2025 on the file of the Auroville Police Station, Villupuram District and quash the same by the allowing this Criminal Original Petition.

For Petitioner : Mr.M.Guruprasad

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.O.P.No. 4529 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed to quash the FIR in Crime No.39 of 2025 on the file of the first respondent based on a complaint lodged by the second respondent, who is the Inspector of Police, Auroville Police Station, Villupuram District, thereby registered a case for the offence under Sections 111, 49, 62, 238, 318(4) of BNS under Section 4(1)(j) of TN Prohibition Act, under Section 4(a)(C) of TN Prohibition (Amendment) Act, 2024 and under Section 191 of Motor Vehicles Act, 1988.

2. The case of the prosecution is that the accused were allegedly involved in the illegal activity of repairing, modifying and altering goods vehicles without a fitness or registration certificate in a workshop owned by A2. The workshop was allegedly used for illegally transporting arrack from Pondicherry to Tamil Nadu. Based on the information received from a police informer, the respondent police arrived at the workshop owned by A2 and arrested A1. Based on the confession statement given by A1, the respondent registered the case.

3. The case of the prosecution against the petitioner is that A2 was



CrI.O.P.No. 4529 of 2025

already arrested on 16.01.2025. Subsequently, A1 is said to have approached the petitioner, who is an advocate by profession, expressing fear of arrest. The petitioner is alleged to have ill advised A1 to abscond from the respondent police.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. There are totally four accused in which the petitioner is arrayed as A4. The petitioner, being an advocate on behalf of the first and second accused, has been implicated as an accused on the confession statement of A1 and A2. That apart, on the complaint lodged by the second respondent, it is alleged that due to the petitioner's ill advice, the other accused persons absconded. It is further stated that A1 approached the other accused in Crime No.30 of 2025 on the file of the first respondent and sought legal advice including the filing of an anticipatory bail petition. Even assuming that the advocate advised the accused to avoid arrest temporarily while filing for anticipatory bail, such an act would not constitute an offence under the BNS 2023.

6. The petitioner, in his professional capacity, cannot be equated



Crl.O.P.No. 4529 of 2025

WEB COPY

with any other traditional profession and it is not commercial in nature and is a noble profession considering the nature of duties to be performed and its impact on the society. The advocates are supposed to be fearless and independent in the protection of rights of litigants. It is their duty to press their clients cases strenuously and to the best of their ability and an advocate must, no doubt, give his very best to every cause that he pleads for his client.

7. That apart, FIR has been registered fro the offence under Sections 111, 49, 62, 238, 318(4) of BNS under Section 4(1)(j) of TN Prohibition Act, under Section 4(a)(C) of TN Prohibition (Amendment) Act, 2024 and under Section 191 of Motor Vehicles Act, 1988. However, no offence is made out as against the petitioner and no ingredients to attract the offences as alleged by the prosecution.

8. In view of the above, the FIR in Crime No.39 of 2025 on the file of the first respondent cannot be sustained and is liable to be quashed as against the petitioner alone. The first respondent is directed to proceed as against the other accused persons.

9. In the result, this Criminal Original Petition stands allowed.



Crl.O.P.No. 4529 of 2025

Consequently, connected miscellaneous petition is closed.

WEB COPY

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Inspector of Police
Auroville Police Station,
Villupuram District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

Lpp

Page 5 of 6



WEB COPY



Crl.O.P.No. 4529 of 2025

Crl.O.P.No. 4529 of 2025

19.02.2025