



CRL.O.P.No.14319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.No. 14319 of 2022
and CrI.M.P.No. 7835 of 2022

Prabhu

.. Petitioner/Accused

Versus

1.State by Inspector of Police
Sriperumbudur Police Station
Kancheepuram District
(Crime No.96/2022)

.. Respondent/Complainant

PRAYER:Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to Cr.No.96 of 2022 on the file of the respondent police and quash the same as the petitioners are concerned.

For Petitioner : Mr.C.Munusamy

For Respondent : A.Gokulkrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR filed for offences under Section 353 r/w Section 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act IPC in Cr.No.96 of 2022 on the file of the respondent police.



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WEB COPY 2. The FIR is proceeded on the premise that when the police where on their routine patrol, they went near the company namely SPP Enterprises situated in Mambakam SIPCOT, they found valuables cars also and on search, they found several Brandy bottles. Hence, police seized all the four vehicles along with the liquor bottles and arrested the accused.

3. The learned counsel for the petitioner would submit that this FIR is nothing but a clear abuse of process of law and accused has been falsely implicated. Though in normal circumstances, this Court would not venture into the merits of the FIR, but, it is the specific case of the learned counsel for the petitioner that the contention of the police that they seized the vehicles and brandy bottles from the vehicles is absolutely false as it be can be very well seen in the captured recordings of videograph of the entire area on the particular date.

4. The learned Additional Public Prosecutor submitted that he has to get instructions and seeks time further time. This Court is not willing to adjourn the matter since, on prima facie view from the videographs, the investigation is



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5. On a perusal of the video, it appears that some persons in plain cloths have taken the cars referred in the FIR themselves forcibly. There is no trace of any brandy bottles whatsoever found, no trace of seizure as alleged by the FIR. Such view of the matter, this Court is of the prima facie view that allegation of petition to be probed properly. Such view of the matter, this Court invoking its inherent jurisdiction under Section 482 of Cr.P.C.

6. Accordingly, the Additional Superintendent of Police, Kancheepuram District is directed to conduct the investigation in this matter and enquire thoroughly and the Superintendent of Police shall monitor investigation. The Investigating Officer also seize all the footages to find out the veracity of the complaint. If during the investigation, he finds out that FIR is motivated and falsely filed, he will proceed against the persons who is instrumental in lodging the FIR in accordance with the law and such investigation shall be completed within three months. The Investigating Officer also submit the CCTV footages to expert examination. In the event he finds that footages are tampered or manipulated, he can proceed against the Petitioner for the offences



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7. Since investigation itself is transferred, the question of quashment of FIR will not arise. Till the investigation by the Additional Superintendent of Police is concluded there shall not be any confiscation proceedings. If the Investigating Agency finds that the present petitioner has tampered the footages to conceal evidence, the Investigating Officer may proceed against the petitioner for offences registered, including confiscation proceedings as per law.

8. With the above observations, this criminal original petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
dhk/ggs

To
1.The Superintendent of Polie,
Kancheepuram District,



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2. The Additional Superintendent of Police,
Kancheepuram District,

3. The Inspector of Police
Sriperumbudur Police Station,
Kancheepuram District.

3. The Public Prosecutor
Madras High Court, Chennai.



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N. SATHISH KUMAR, J.
dhk/ggs

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