



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2015

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE C.T.SELVAMCRL.OP(MD)No.23480 of 2014
and M.P.(MD) No.1 of 2014

1.S.Saravana Venkatraman
2.S.Saraswathi
3.G.Thangavel ... Petitioners/Accused Nos.1 to 3

Vs.

1) The State represented by
The Inspector of Police,
West Town Police Station,
Pillayarpalayam,
Dindigul District. ... Respondent/Complainant

3) Mohammed Abdullah
... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.438 of 2014 dated 10.12.2014 on the file of the Respondent No.1 Police Station offences under Sections 147, 148, 294(b), 324 and 506(ii) of IPC and Section 3(1)(x) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and quash the same as illegal and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)
For R2 : Mr.S.Ramasamy

O R D E R

This petition has been filed under Section 482 Cr.P.C., praying to quash the First Information Report in Crime No.438 of 2014 dated 10.12.2014 on the file of the Respondent No.1 Police Station offences under Sections 147, 148, 294(b), 324 and 506(ii) of IPC and Section 3(1)(x) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.Heard the learned counsel for the petitioner and also the learned Government Advocate(Crl. Side) and the learned counsel appearing for the second respondent/defacto complainant.



3. A reading of FIR informs commission of cognizable offences. It is the contention of the learned counsel for the petitioner that the offences under Section 3(1)(x) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, even if true, has not been committed in a public place and such offence would not be attracted. Such is a matter for the investigation to inform.

4. This Criminal Original Petition is dismissed. Consequently, connected M.P. is also dismissed. However, the respondent police is to take note of the position that arrest of accused is not to be resorted to as a matter of course. Again in the event of accused persons being produced before them, the jurisdictional Magistrate are required not to effect remand in a mechanical manner. The clear dictum of the Honourable Apex Court in *Arnesh Kumar vs. State of Bihar and Another* reported in (2014) 3 MLJ (Cr1) (SC), is to be followed both by the respondents police as also the concerned jurisdictional Magistrate.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

- 1) The Inspector of Police,
West Town Police Station,
Pillayarpalayam,
Dindigul District.
- 2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.1055

+One cc to Mr.S.Ramasamy, Advocate, SR.No.793

ses

RL/5 c- 11/2/2015

CRL.OP(MD)No.23480 of 2014
and M.P.(MD) No. 1 of 2014