



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

WEB COPY

CRL.O.P.Nos.2378, 2397, 2580, 2612, 2643, 2350,
2649, 2655 and 2672 of 2015

and

MP (MD) NOS.1,1,2,1,1,1,1,1,1 & 1/2015

1 AMEENAL BEEVI
2 RUKKIAL BEEVI
3 MOHAMMED NAVAS ... PETITIONERS IN CRL OP(MD). 2378/ 2015/
ACCUSED NO.1 ,2 & 4

1 MADATHI
2 PAPPA
3 AYYANAR
4 RAKKAMMAL
5 PRABHAKARAN ... PETITIONERS IN CRL OP(MD). 2397/ 2015/
PETITIONER

1 V.SARAVANAKUMAR
2 T.SABARI SUBRAMANIAN ... PETITIONERS IN CRL OP(MD). 2580/ 2015/
ACCUSED NO.1 & 2

1 VETRIVELAMMAL
2 MUTHULAKSHMI
3 MUTHUMALAIAMMAL ... PETITIONERS IN CRL OP(MD). 2612/ 2015/
ACCUSED NO.1,2 & 3

KARUPPIAH ... PETITIONER IN CRL OP(MD). 2643/ 2015/
ACCUSED NO.4

R.SHEIKMEER ... PETITIONER IN CRL OP(MD). 2350/ 2015/
ACCUSED NO.2

1 VELAPPAN
2 ALAGAPERUMAL
3 SELVI
4 SELVARAJ
5 SELVAKUMARI
6 SARAVANAN ... PETITIONERS IN CRL OP(MD). 2649/ 2015/
ACCUSED NO.1 TO 6

1 MUTHU
2 PITCHAIAMMAL ... PETITIONERS IN CRL OP(MD). 2655/ 2015/
ACCUSED 2 & 4



1 N.RAJASEKARAN
2 MALATHY
3 VIGNESH

... PETITIONERS IN CRL OP(MD). 2672/ 2015/
ACCUSED 1 TO 3

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- VS. -

1. THE INSPECTOR OF POLICE,
SHENGOTTAI POLICE STATION,
TIRUNELVELI DISTRICT. ...1ST RESPONDENT/COMPLAINANT

2. GUI SAR NIHARA ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2378/ 2015

1. THE INSPECTOR OF POLICE,
THIRUPARANGUNDRAM POLICE STATION,
MADURAI, CR.NO.208/2014 ...1ST RESPONDENT/COMPLAINANT

2. PANCHAVARNAM ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2397/ 2015

1. THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
TUTICORIN DISTRICT. ...1ST RESPONDENT/COMPLAINANT

2. S.ELANGAMANI ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2580/ 2015

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, (ALGSC) TUTICORIN.
IN CR.NO.610 OF 2014. ...1ST RESPONDENT/COMPLAINANT

2. ARUMUGA NAINAR ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2612/ 2015

1. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(SPECIAL CELL FOR LAND GRABBING CASES),
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
CR. NO.19/2014. ...1ST RESPONDENT/COMPLAINANT

2. M.SUNDARAJ ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2643/ 2015

1. THE INSPECTOR OF POLICE,
KARUPPAYURANI POLICE STATION, MADURAI.
(CR.NO.187/2014) ...1ST RESPONDENT/COMPLAINANT

2. RANJITH KUMAR ...2ND RESPONDENT/DEFACTO CODMPLAINANT
IN CRL OP(MD). 2350/ 2015



1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

...1ST RESPONDENT/COMPLAINANT

2. P.VIJAYAKUMAR

...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2649/ 2015

1. THE INSPECTOR OF POLICE,
NAMANASAMUTHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CR.NO.105 OF 2014)

...1ST RESPONDENT/COMPLAINANT

2. MURUGESAN

...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2655/ 2015

1. THE INSPECTOR OF POLICE,
TALUK POLICE STATION, THANJAVUR.
CR. NO. 12 OF 2015.

...1ST RESPONDENT/COMPLAINANT

2. SARASWATHY

... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 2672/ 2015

Criminal Original Petition filed under Section 482 Cr.P.C. praying

Prayer in CRL OP(MD). 2378/ 2015 :

To call for the records in respect of Cr.NO.179/2013 on the
file of the 1st respondent and quash the same with regard to them.

Prayer in CRL OP(MD). 2397/ 2015 :

To call for the records pertaining to FIR No.208/2014 dated
14.08.2014 on the file of the first respondent Thiruparangundram
Police Station, Madurai and quash the same.

Prayer in CRL OP(MD). 2580/ 2015 :

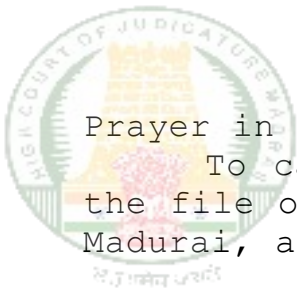
To call for the records relating to the proceedings in Cr.
No. 10 of 2015 on the file of 1st respondent police and quash the
same.

Prayer in CRL OP(MD). 2612/ 2015 :

To pass an orders and call for the records pertaining to
Cr.NO.10 of 2014 on the file of the 1st respondent police and
quash the same.

Prayer in CRL OP(MD). 2643/ 2015 :

To call for the records in the case in Cr. No. 19/2014 on the
file of the 1st respondent and quash the same.



Prayer in CRL OP(MD). 2350/ 2015 :

To call for the records pertaining to the Cr.No.187/2014 on the file of the Inspector of Police, Karuppayurani Police Station, Madurai, and quash the same.

Prayer in CRL OP(MD). 2649/ 2015 :

To call for the records pertaining to Cr. No. 19 of 2014 on the file of the 1st respondent herein and quash the same.

Prayer in CRL OP(MD). 2655/ 2015 :

To call for the records in Cr.No.105 of 2014 on the file of the 1st respondent police and quash the same.

Prayer in CRL OP(MD). 2672/ 2015 :

To call for the records relating to the proceedings in Cr. No. 12 of 2015 dated 09.01.2015 on the file of the Inspector of Police, Taluk police station, Thanjavur and quash the same.

For Petitioners:

Mr.D.Venkatesh in Crl.O.P.(MD)No.2378 of 2015

Mr.R.Murugappan in Crl.O.P.(MD)No.2397 of 2015

Mr.B.Murugan in Crl.O.P.(MD)No.2580 of 2015

Mr.N.Mariappan in Crl.O.P.(MD)No.2612 of 2015

Mr.G.Marimuthu in Crl.O.P.(MD)No.2643 of 2015

Mr.K.Jayaseelan in Crl.O.P.(MD)No.2350 of 2015

Mr.C.Bharathi in Crl.O.P.(MD)No.2649 of 2015

Mr.A.K.Manickam in Crl.O.P.(MD)No.2655 of 2015

Mr.S.Alagarsamy in Crl.O.P.(MD)No.2672 of 2015

For 1st Respondent in all Crl.O.Ps:

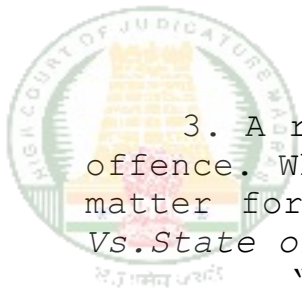
Mr.K.V.Rajarajan

Government Advocate, (Crl. Side)

C O M M O N O R D E R

All the petitioners seek to quash the First Information Reports.

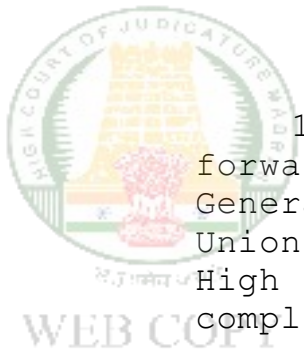
2. These are about 10,500 pending criminal original petitions before the Madurai Bench of this Court. It is settled law that FIR can be quashed only in the rarest of rare cases.



3. A reading of the complaints inform Commission of cognizable offence. What are the offences, if any, that stand committed, is a matter for investigation. The Hon'ble Apex Court in *Arnesh Kumar Vs. State of Bihar* reported in 2014 (8) Scale 250, has held thus:-

"9. From a plain reading of the aforesaid provision, it is evident that a person accused of offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on its satisfaction that such person had committed the offence punishable as aforesaid. Police officer before arrest, in such cases has to be further satisfied that such arrest is necessary to prevent such person from committing any further offence; or for proper investigation of the case; or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the Court or the police officer; or unless such accused person is arrested, his presence in the court whenever required cannot be ensured. These are the conclusions, which one may reach based on facts. Law mandates the police officer to state the facts and record the reasons in writing which led him to come to a conclusion covered by any of the provisions aforesaid, while making such arrest. Law further requires the police officers to record the reasons in writing for not making the arrest. In pith and core, the police officer before arrest must put a question to himself, why arrest? Is it really required? What purpose it will serve? What object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised. In fine, before arrest first the police officers should have reason to believe on the basis of information and material that the accused has committed the offence. Apart from this, the police officer has to be satisfied further that the arrest is necessary for one or the more purposes envisaged by sub-clauses (a) to (e) of clause (1) of **Section 41 of Cr.P.C.**

14. We hasten to add that the directions aforesaid shall not only apply to the cases under Section 498-A of the I.P.C. or Section 4 of the Dowry Prohibition Act, the case in hand, but also such cases where offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.



15. We direct that a copy of this Judgment be forwarded to the Chief Secretaries as also the Director Generals of Police of all the State Governments and the Union Territories and the Registrar General of all the High Courts for onward transmission and ensuring its compliance."

4. The respondent is upon duty to follow the dictum of the Apex Court and in the event of arrest of persons for offences punishable not beyond seven years, the reasons for arrest are to be recorded. Similarly, in such cases judicial Magistrates upon arrested persons being produced before them for the purpose of remand, necessarily would have to inform the reasons why they consider remand necessary.

5. With the above observations, these criminal original petitions stand dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. THE JUDICIAL MAGISTRATE, SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI.
2. THE INSPECTOR OF POLICE, SHENGOTTAI POLICE STATION, TIRUNELVELI DISTRICT.
3. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
4. THE INSPECTOR OF POLICE, THIRUPARANGUNDRAM POLICE STATION, MADURAI.
5. THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.
6. THE INSPECTOR OF POLICE, MUTHIAHPURAM POLICE STATION, TUTICORIN DISTRICT.
7. THE JUDICIAL MAGISTRATE, SPECIAL COURT FOR LAND GRABBING CASES, THOOTHUKUDI.
8. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, (ALGSC) TUTICORIN.

<https://hcservices.scdw.nic.in/> 9. THE JUDICIAL MAGISTRATE, SPECIAL COURT FOR EXCLUSIVE-TRIAL OF LAND GRABBING CASES, VIRUDHUNAGAR.



10. THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
(SPECIAL CELL FOR LAND GRABBING CASES),
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

11. THE JUDICIAL MAGISTRATE NO.II, MADURAI.

12. THE INSPECTOR OF POLICE,
KARUPPAYURANI POLICE STATION, MADURAI.

13. THE JUDICIAL MAGISTRATE NO.III, TRICHY.

14. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TRICHY DISTRICT.

15. THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
THIRUPARANGUNDRAM, PUDUKKOTTAI DISTRICT.

16. THE INSPECTOR OF POLICE,
NAMANASAMUTHIRAM POLICE STATION, PUDUKKOTTAI DISTRICT.

17. THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

18. THE INSPECTOR OF POLICE, TALUK POLICE STATION, THANJAVUR.

19. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.D.VENKATESH, ADVOCATE IN SR : 9053
+1CC TO MR.R.MURUGAPPAN, ADVOCATE IN SR : 8399
+1CC TO MR.G.MARIMUTHU, ADVOCATE IN SR : 8575
+1CC TO M/S.C.BHARATHI, ADVOCATE IN SR : 8786
+1CC TO MR.S.ALAGARSAMY, ADVOCATE IN SR : 8948

Rj2

SR : 23.03.2015 : 7p/25c

CRL.O.P.Nos.2378, 2397, 2580, 2612, 2643, 2350,
2649, 2655 and 2672 of 2015
24.02.2015