



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL.O.P.Nos.2699, 2738, 2742, 2743, 2790, 2954,
3074, 3155 and 3203 of 2015 (9 Cases)

and

MP(MD)No.1 of 2015 (7 Nos)

A.SOUNDARARAJAN ... PETITIONER IN CRL OP (MD). 2699/ 2015/
ACCUSED

PANDIAN ... PETITIONER IN CRL OP (MD). 2738/ 2015/
SOLE ACCUSED

1 OCHAMMAL
2 VEERANAN
3 DHARMAR
4 DEIVAM
5 KANNUCHAMY
6 RAMAR
7 PARAMAN ... PETITIONERS IN CRL OP (MD). 2742/ 2015/
ACCUSED NO.1 TO 7

1 KARUPPAIAH
2 K.GOPINATH ... PETITIONERS IN CRL OP (MD). 2743/ 2015/
ACCUSED 1 & 3

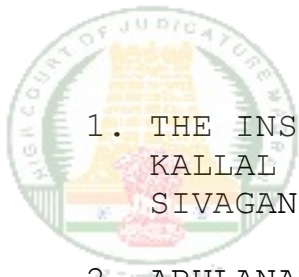
S.SUDHAGAR ... PETITIONER IN CRL OP (MD). 2790/ 2015/
SOLE ACCUSED

SENTHILNATHAN ... PETITIONER IN CRL OP (MD). 2954/ 2015/
ACCUSED NO.1

S.RIYAZDEEN ... PETITIONER IN CRL OP (MD). 3074/ 2015/
SOLE ACCUSED

1 SELVA KUMARI
2 SENGUTTIVAN ... PETITIONERS IN CRL OP (MD). 3155/ 2015/
ACCUSED NO.1 & 2

1 P. PREMKUMAR
2 K. AKKINI ... PETITIONERS IN CRL OP (MD). 3203/ 2015/
ACCUSED NO.1 & 2



WEB COPY

1. THE INSPECTOR OF POLICE,
KALLAL POLICE STATION,
SIVAGANGAI. ...1ST RESPONDENT/COMPLAINANT
2. ARULANANTH ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2699/ 2015
1. THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI.
CR. NO. 793/2013. ...1ST RESPONDENT/COMPLAINANT
2. SELVAM ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2738/ 2015
1. THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.
CR.NO.02/2015 ...1ST RESPONDENT/COMPLAINANT
2. AMMASI ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2742/ 2015
1. THE INSPECTOR OF POLICE,
C2, SUBRAMANIAPURAM CRIME POLICE STATION,
MADURAI CITY,
(CR.NO.123/2015) ...1ST RESPONDENT/COMPLAINANT
2. SUBRAMANIAN ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2743/ 2015
1. THE SUB INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT
(CR.NO.488 OF 2013) ...1ST RESPONDENT/COMPLAINANT
2. THANGASAMY ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2790/ 2015
1. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
(CR.NO.9/2012) ...1ST RESPONDENT/COMPLAINANT
2. RAMA. KUMARAPPAN ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) . 2954/ 2015
1. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.
CR. NO. 161/2014. ...1ST RESPONDENT/COMPLAINANT



2. S.V.PADMANATHAN,
VILLAGE ADMINISTRATIVE OFFICER,
ELUMALAI VILLAGE, PERIAYUR TALUK,
MADURAI DISTRICT. ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 3074/ 2015

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1. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.
CR. NO. 50/2014. ...1ST RESPONDENT/COMPLAINANT

2. N.S.SIVAKUMAR ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 3155/ 2015

1. THE INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION, DINDIGUL DISTRICT.
CRIME NO.9/2015 ...1ST RESPONDENT/COMPLAINANT

2. K. ANDIGANESAN ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD). 3203/ 2015

Criminal Original Petition filed under Section 482 Cr.P.C. praying
Prayer in CRL OP(MD). 2699/ 2015 :

To call for the records pertaining to the FIR in Cr. No 334
of 2014 on the file of the respondent No.1 and quash the same.

Prayer in CRL OP(MD). 2738/ 2015 :

To call for the records in Cr. No. 793 of 2013 on the file of
the 1st respondent and quash the same.

Prayer in CRL OP(MD). 2742/ 2015 :

To call for the records in pertaining to the case in
Cr.No.02/2015 pending investigation on the file of the 1st
respondent and quash the same.

Prayer in CRL OP(MD). 2743/ 2015 :

To call for the FIR in connection with Cr.No.123 of 2015 on
the file of the Inspector of Police, C2, Subramaniapuram Crime
Police Station, Madurai and quash the same.

Prayer in CRL OP(MD). 2790/ 2015 :

To call for the records pertaining to the First Information
Report in Cr.No.488 of 2014 dated 31.12.2014 on the file of the
respondent No.1, pending before the learned Judicial Magistrate
Court No.I, Nagercoil, Kanyakumari District and quash the same as
illegal.

Prayer in CRL OP(MD). 2954/ 2015 :

To call for the records relating to FIR in Cr.No.9 of 2012
dated 06.01.2012 on the file of the Inspector of Police, Karaikudi
North Police Station, Sivagangai District and quash the same as
against the petitioner.



Prayer in CRL OP(MD). 3074/ 2015 :

To call for the records relating to the proceedings in Cr. No. 161 of 2014 on the file of the 1st respondent dated 02.10.2014 and quash the same.

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Prayer in CRL OP(MD). 3155/ 2015 :

To call for the records in FIR in Cr. No. 50/2014 on the file of the respondent police and quash the same with regard to the Petitioners.

Prayer in CRL OP(MD). 3203/ 2015 :

To call for the records of the case in Cr. No. 9 of 2015 on the file of the 1st respondent and quash the same.

For Petitioner/Petitioners:

Mr.S.M.A.Jinnah in Crl.O.P. (MD)No.2699 of 2015

Mr.F.Deepak in Crl.O.P. (MD)No.2738 of 2015

Mr.M.Solaisamy in Crl.O.P. (MD)No.2742 of 2015

Mr.G.Gomathi Sankar in Crl.O.P. (MD)No.2743 of 2015

Mr.S.Lenin Prabu in Crl.O.P. (MD)No.2790 of 2015

Mr.D.Rameshkumar in Crl.O.P. (MD)No.2954 of 2015

Mr.V.Kannan in Crl.O.P. (MD)No.3074 of 2015

Mr.A.Arun Prasad in Crl.O.P. (MD)No.3155 of 2015

Mr.P.Ganesan in Crl.O.P. (MD)No.3203 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 offences 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 the 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/-

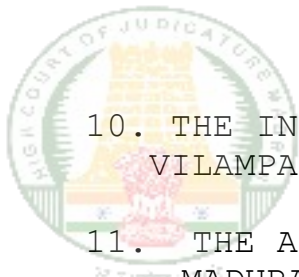
Assistant Registrar (CO)

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Sub Assistant Registrar

To

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE, KALLAL POLICE STATION, SIVAGANGAI.
3. THE INSPECTOR OF POLICE, THENI POLICE STATION, THENI.
4. THE INSPECTOR OF POLICE, USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
5. THE INSPECTOR OF POLICE,
C2, SUBRAMANIPURAM CRIME POLICE STATION,
MADURAI CITY,
6. THE SUB INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION, KANYAKUMARI DISTRICT
7. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
8. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.
9. THE INSPECTOR OF POLICE, CITY CRIME BRANCH, MADURAI CITY.



10. THE INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION, DINDIGUL DISTRICT.

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

WEB COPY

+1CC TO MR.S.M.A.JINNAH, ADVOCATE IN SR : 8987
+1CC TO MR.F.DEEPAK, ADVOCATE IN SR : 8564
+1CC TO MR.M.SOLAISAMY, ADVOCATE IN SR : 8619
+1CC TO MR.G.GOMATHI SANKAR, ADVOCATE IN SR : 8401
+1CC TO MR.R.RAJESHKUMAR, ADVOCATE IN SR : 8429
+1CC TO MR.V.KANNAN, ADVOCATE IN SR : 8506
+1CC TO MR.A.ARUNPRASAD, ADVOCATE IN SR : 8932
+1CC TO MR.P.GANESAN, ADVOCATE IN SR : 8418

Rj2

SR : 20.03.2015 : 7p/20c

CRL.O.P.Nos.2699, 2738, 2742, 2743, 2790,
2954,3074, 3155 and 3203 of 2015
24.02.2015