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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2015

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.OP(MD)No.4266 of 2015

and M.P.(MD) No.1 of 2015

P.Sivakumar

... Petitioner/Sole Accused

Vs.

- 1) The State represented by
The Inspector of Police,
Economic Offences Wing,
Karur District. ... 1st Respondent/Complainant
- 3) Balamurugan ... 2nd 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.3 of 2014 on the file of the first respondent police and quash the same as illegal

For Petitioner : Mr.A.Velan
for M/s. Ajmal Associates
For R1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

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.3 of 2014 on the file of the first respondent police for the offences under Sections 403, 406, 408, 420, 468, 477(A) IPC.

2.Heard the learned counsel for the petitioner and also the learned Government Advocate(Crl. Side) appearing for the State.

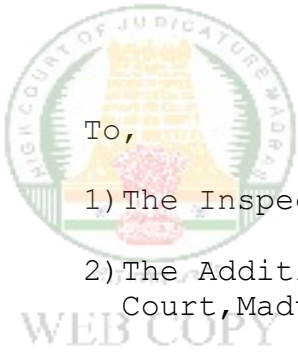
3.A reading of FIR informs commission of cognizable offences. This Criminal Original Petition is dismissed. Consequently, connected M.P. is also dismissed. However, the respondent police is to take note of the position that arrest of accused is not to be resorted to as a matter of course. Again in the 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 (Crl) (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, Economic Offences Wing, Karur District

2) The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. Ajmal Associates, Advocate in SR.No.12732

Sm:25.03.2015:2P/4C:

CRL.OP (MD) No.4266 of 2015
and M.P. (MD) No. 1 of 2015