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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.4339 of 2015

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

K.Muthumari

.. Petitioner/Accused No.2

Vs.

1.The State rep. by
The Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District. .. 1st Respondent/Complainant

2.Yusuf Abduahir ..2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records of relating to the FIR in Crime No.399 of 2014 on the file of the Inspector of Police, Nagamalai, Pudukkottai Police Station, Madurai District and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
for M/S.Hall Mark Associates

For R1 : Mr.K.Anbarasan
Government Advocate(Crl. Side)

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to call for the records of relating to the FIR in Crime No.399 of 2014 on the file of the Inspector of Police, Nagamalai Pudukkottai Police Station, Madurai District and quash the same.

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

3. A reading of the complaint *prima facie* informs of commission of cognizable offence. We cannot now decide that the allegations in the complaint are false, This petition shall stand dismissed. Consequently, connected Miscellaneous Petition is closed. However, the first 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 proceed 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.

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Sd/-
Assistant Registrar

/True Copy/

Sub- Assistant Registrar(C.S)

To,

- 1.The Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

TS/30.03.2015/2P-3C

CRL.O.P. (MD) No.4339 of 2015
and
M.P (MD) No.1 of 2015

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