



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.4411 of 2015

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

.. Petitioner /Accused No.1

Vs.

WEB COPY

S.Balamurugan

1.The State through the
Inspector of Police,
Erodu Police Station,
Dindigul District.

..1st Respondent/Complainant

2.Palanisamy

..2nd Respondent/Defacto

Complainant

PRAYER:Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records connected with the case in Crime No.21 of 2015 pending on the file of the first respondent and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.R.Alagumani

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 connected with the case in Crime No.21 of 2015 pending on the file of the first respondent 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.Learned Government Advocate (Crl.side) submits that this petitioner has involved in as many as 24 previous cases.

4. A reading of FIR informs commission of cognizable offences. This Criminal Original Petition is dismissed. Consequently, connected M.P. is also dismissed. 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 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, Erodu Police Station, Dindigul District.

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

sm:01.04.2015:1P/3C

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