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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM
CRL.O.P. (MD) Nos.4421,4523,4574,4743,4837,
4978,5091 and 5093 of 2015

and
connected Miscellaneous Petitions

SELVAMUTHUKUMAR ... PETITIONER in CRL OP(MD) No.4421 of 2015

1 MANIKANDAN

2 P.S.MURUGAN ... PETITIONERS in CRL OP(MD) No.4523 of 2015

CHINNA JAMEEN ... PETITIONER in CRL OP(MD) No.4574 of 2015

SHEIK HAROON ALI ... PETITIONER in CRL OP(MD) No.4743 of 2015

N.JEGATHEESAN ... PETITIONER in CRL OP(MD) No.4837 of 2015

M.S. MUTHURAMAN ... PETITIONER in CRL OP(MD) No.4978 of 2015

1 V.T.SOMASUNTARAM

2 V.T.S.THIRUMALAIYAPPAN

3 SYED IBRAHIM ... PETITIONERS IN CRL OP(MD) NO.5091 OF 2015

1 A. ABDUL VAHAB

2 REHMATH BEEVI

3 M.BASHIRA BEGUM

4 A. MOHAMMED ASAN ... PETITIONERS IN CRL OP(MD) NO.5093 OF 2015

-VS-

THE INSPECTOR OF POLICE,
PALAKARAI POLICE STATION, TRICHY DISTRICT
(IN CRIME NO.1343 OF 2009) ... RESPONDENT IN CRL OP(MD) NO.4421 OF 2015

1 THE INSEPCTOR OF POLICE,
TOWN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT. ..1ST RESPONDENT/COMPLAINANT

2 R.MANIKKAM ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD) NO.4523 OF 2015

1 THE SUB INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
IN CRIME NO.173 OF 2015
TUTICORIN DIST. ...1ST RESPONDENT/COMPLAINANT

2 V.MARIAPPA THEVAR ... 2ND RESPONDENT/DEFACTO COMPLAINANT
<https://hcservices.ecourts.gov.in/hcservices/> IN CRL OP(MD) NO.4574 OF 2015



- 1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT. ...1ST RESPONDENT/COMPLAINANT
- 2 SENTHIL KUMAR ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) NO.4743 OF 2015

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- 1 THE INSPECTOR OF POLICE (AUSTINPATTI)
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
(IN CRIME NO.353/2014) ...1ST RESPONDENT/COMPLAINANT
- 2 M.MURUGAN ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) NO.4837 OF 2015

- 1 THE STATE OF TAMIL NADU
REP. BY ITS INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI TOWN
(CRIME NO.22 OF 2015). ...1ST RESPONDENT/COMPLAINANT
- 2 N. SENTHILKUMAR ...2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) NO.4978 OF 2015

- 1 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI CITY
(CRIME NO.46 OF 2015) ...1ST RESPONDENT/COMPLAINANT
- 2 M.LIGORI VANCHI ARASU ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) NO.5091 OF 2015

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION TENKASI
TIRUNELVELI DISTRICT
(CRIME NO.8 OF 2014) ...1ST RESPONDENT/COMPLAINANT
- 2 M. AYISHA BENASIR ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP (MD) NO.5093 OF 2015

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure,

Prayer in CRL OP (MD) No.4421 of 2015:

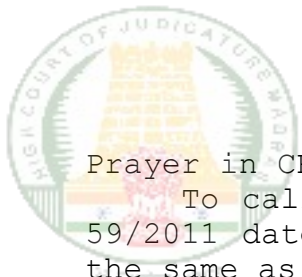
To call for the records pertaining to the FIR in Crime No. 1343 of 2009 on the file of the respondent police and quash the same illegal and arbitrary.

Prayer in CRL OP (MD) No.4523 of 2015:

To call for records pertaining to the impugned FIR in Crime No.271/2014 on the file of the 1st respondent and to quash the same.

Prayer in CRL OP (MD) No.4574 of 2015:

<https://hcservices.ecourts.gov.in/hcservices/>
To quash the FIR in Crime No. 173 of 2015 pending on the file of the 1st respondent in the nature and circumstances of the case and in the interest of justice.



Prayer in CRL OP(MD) No.4743 of 2015:

To call for the records pertains to the FIR registered in crime No. 59/2011 dated 03.09.2011 on the file of 1 st respondent police and quash the same as null and void in so far as the petitioner is concerned.

Prayer in CRL OP(MD) No.4837 of 2015:

To call for the records pertaining to the proceedings of FIR in Cr.No. 353 of 2014 on the file of the 1st respondent police and to quash the same in respect of the petitioner and to pass such other and further reliefs

Prayer in CRL OP(MD) No.4978 of 2015:

To call for the records relating to the case in Crime No.22 of 2015 on the file of the Inspector of Police, District Crime Branch, Madurai Town and quash the same as illegal with regard to the petitioner.

Prayer in CRL OP(MD) No.5091 of 2015:

To call for the entire records pertaining to the case in Crime No.46 of 2015 on the file of the Inspector of Police, Pettai Police Station, Tirunelveli City and quash the same.

Prayer in CRL OP(MD) No.5093 of 2015:

To call for the entire records pertaining to the case in Crime No.8 of 2014 on the file of the Inspector of Police, All Women Police Station, Tenkasi, Tirunelveli District and quash the same with regard to the petitioner.

PETITIONER ADVOCATE IN

CRL.OP (MD) NO.4421/2015 : MR.R.MANO HARAN
CRL.OP (MD) NO.4523/2015 : MR.M.SELVENDRAN
CRL.OP (MD) NO.4574/2015 : MR.S.RAJAMO HAN
CRL.OP (MD) NO.4743/2015 : MR.M.THIRUNAVUKKARASU
CRL.OP (MD) NO.4837/2015 : MR.BABU RAJENDRAN
CRL.OP (MD) NO.4978/2015 : MR.M.KANNAN
CRL.OP (MD) NOS.5091 & 5093/2015 : MR.R.ANAND

FOR RESPONDENT : MR.K.ANBARASAN
IN ALL CRL.OPS GOVERNMENT ADVOCATE(CRL. SIDE)

C O M M O N O R D E R

These Criminal Original Petitions have been filed praying to quash First Information Report.

2. Reading of the complaint prima facie informs commission of cognizable offences. Hence, these Criminal Original Petitions shall stand dismissed. However, 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 respondent police as also the concerned Jurisdictional Magistrates. For ready reference, paragraph 14 and 15 of the judgment referred to is reproduced hereunder:



"14. Our endeavour in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorize detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:

(1) All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.PC;

(2) All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);

(3) The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

(4) The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;

(5) The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;

(6) Notice of appearance in terms of Section 41A of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;

(7) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.

(8) Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

15. 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."



3. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (Per Admn)

/True copy/

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Sub Assistant Registrar

To

1. THE INSPECTOR OF POLICE, PALAKARAI POLICE STATION, TRICHY DISTRICT
2. THE INSEPCTOR OF POLICE, TOWN POLICE STATION, USILAMPATTI, MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION, TUTICORIN DIST.
4. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
5. THE INSPECTOR OF POLICE (AUSTINPATTI) THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
6. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI TOWN.
7. THE INSPECTOR OF POLICE, PETTAI POLICE STATION, TIRUNELVELI CITY.
8. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, TENKASI, TIRUNELVELI DISTRICT.
9. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.R.MANOCHARAN, ADVOCATE IN SR : 14985
+1CC TO MR.R.RAJAMOHAN, ADVOCATE IN SR : 14567
+1CC TO MR.M.THIRUNAVUKKARASU, ADVOCATE IN SR : 14861
+1CC TO MR.BABU RAJENDRAN, ADVOCATE IN SR : 14583
+1CC TO MR.M.KANNAN, ADVOCATE IN SR : 14671

Pjl/Vs

SR : 15.04.2015 : 5p/15c

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