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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.4449 of 2015  
and M.P.(MD) No.1 of 2015

Samsudeen ... Petitioner/Accused No2.

Vs.

- 1) The State represented by  
The Inspector of Police,  
District Crime Branch,  
Dindigul District.  
(Crime No.33 of 2014) ... 1st Respondent/Complainant
- 2) Muthupandi ... 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.33 of 2014 on the file of the first respondent police and quash the same as illegal and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.Sulthan Bash  
for 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.33 of 2014 on the file of the first respondent police for the offences under Sections 120(b), 419, 465, 468, 471 and 420 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 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 (Cr1) (SC), is to be followed both by the respondents police as also the concerned jurisdictional Magistrate.

Sd/-

Assistant Registrar (AS)

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/True Copy/

Sub-Assistant Registrar

To,

1. The District Munsif cum Judicial Magistrate, Kodaikanal
- 2) The Inspector of Police, District Crime Branch, Dindigul District.
- 3) The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+One cc to M/s. Ajmal Associates, Advocate, SR>No.12733

ses

RL/5c - 31/3/2015

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