



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.03.2015

CORAM

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

Cr1.O.P. (MD) Nos.15193,15387,15500,16271 &
16738 of 2011 and 8471,8636 & 10561 of 2012
and connected Miscellaneous Petitions

1 RAJAMANI
2 NALLAMANI
3 PAPPATHI
4 RATHINAM ... PETITIONERS/ACCUSED NO.1 TO 4 in CRL OP(MD) No.15193/2011

BRO.ALFRED
DC LASDLE BROTHERS ASSOCIATION (DIRECTOR)
MADURAI ... PETITIONER/ACCUSED NO.3 in CRL OP(MD) No.15387/2011

1 M.MEENALPANDIAN
2 M.RAJALAKSHMI ... PETITIONER/ACCUSED 1 & 2
in CRL OP(MD) No.15500 of 2011

1 S. KALYANASUNDARAM
2 S. RAMALINGAM ... PETITIONER/ACCUSED 1 & 2
in CRL OP(MD) No.16271 of 2011

1 MOHAMMED YASIN
2 ABUDHAHIR ... PETITIONER/ACCUSED in CRL OP(MD) No.16738 of 2011

1 K.R.MANIKANDAN, DIRECTOR
M/S.K.R.M.RANADEVI ENTERPRISES PRIVATE LTD.
SANKARAKOVIL.

2 MRS. M.CHANDRA, DIRECTOR
M/S.K.R.M. RANADEVI ENTERPRISES PRIVATE LTD.
SANKARAKOVIL. ... PETITIONER/ACCUSED 2 & 3
in CRL OP(MD) No.8471 of 2012

1 KARUNAKARAN
2 BALAN
3 SIVASANKARAN
4 SHANMUGASUNDARI
5 SUBRAMANIAN ... PETITIONER/ACCUSED 1 TO 5
in CRL OP(MD) No.8636 of 2012

CHINNASAMY
<https://hcservices.ecourts.gov.in/hcservices/> • PETITIONER/ACCUSED NO.4 in CRL OP(MD) No.10561 of 2012



WEB COPY

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL
CR NO. 24/2011 ...1ST RESPONDENT/COMPLAINANT

2 RENUGA DEVI ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.15193 of 2011

1 SUB INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT. ...1ST RESPONDENT/COMPLAINANT

2 M.PANDIALAKSHMI ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.15387 of 2011

1 INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT. ...1ST RESPONDENT/COMPLAINANT

2 MANIAMMAL ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.15500 of 2011

1 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.721/2011 ...1ST RESPONDENT/COMPLAINANT

2 K. RAJEE ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.16271 of 2011

1 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI CITY.
(CR.NO.40/2011) ...1ST RESPONDENT/COMPLAINANT

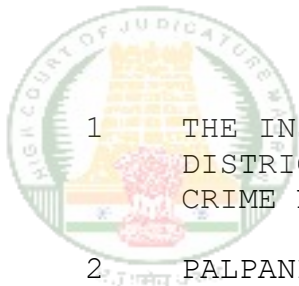
2 M.MOHAMMED ABBHAS ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.16738 of 2011

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI. ...1ST RESPONDENT/COMPLAINANT

2 M/S.S.R.S. EXPORS PRIVATE LTD
THROUGH ITS MANAGER MR.DASHRAJ SHARMA
...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.8471 of 2012

1 THE INSPECTOR OF POLICE,
CHOLAVANTHAN POLICE STATION, MADURAI DISTRICT.
(CR.NO.293/11) ...1ST RESPONDENT/COMPLAINANT

2 MARUTHU PANDIAN ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.8636 of 2012



1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.
CRIME NO.34/2011 ..1ST RESPONDENT/COMPLAINANT

2 PALPANDI ...2ND RESPONDENT/DEFACTO COMPLAINANT
in CRL OP(MD) No.10561 of 2012

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

Prayer in CRL OP(MD) No.15193 of 2011:

To call for the records relating to the FIR in Cr. No. 24/2011 dated 09.08.2011 on the file of the Inspector of police, All Women police Station, Dindigul and quash the same.

Prayer in CRL OP(MD) No.15387 of 2011:

To call for the records the FIR in connection with Cr.No. 52 of 2011 on the file of the Learned Judicial Magistrate , Vilathikulam and quash the same.

Prayer in CRL OP(MD) No.15500 of 2011:

To call for the records relating to the impugned F.I.R in Cr.No. 267 of 2011 on the file of the first respondent police and quash the same.

Prayer in CRL OP(MD) No.16271 of 2011:

To call for the records in Crime No.721/2011 pending on the file of the first respondent police and quash the same.

Prayer in CRL OP(MD) No.16738 of 2011:

To call for the records of the F.I.R. in Cr.No.40/2011 on the file of Sub Inspector of Police, District Crime Branch, Madurai City and quash the same.

Prayer in CRL OP(MD) No.8471 of 2012:

To call for the records relating to the complaint in crime No. 24 of 2012 dated 15/05/12 on the file of the 1st Respondent police and quash the same.

Prayer in CRL OP(MD) No.8636 of 2012:

To call for the records pertaining to Cr.No.293 of 2011 on the file of the 1st respondent police and quash the same as illegal.

Prayer in CRL OP(MD) No.10561 of 2012:

To call for the records relating to the FIR in Crime No.34/2011 on the file of respondent police and quash the same as illegal.

MR.S.DEENADAYALAN, FOR THE PETITIONER IN CRL.OP(MD)NO.15193/2011
MR.N.V.SURESH KUMAR, FOR THE PETITIONER IN CRL.OP(MD)NO.15387/2011
MR.G.R.SWAMINATHAN, FOR THE PETITIONER IN CRL.OP(MD)NO.15005/2011
MR.D.SASIKUMAR, FOR THE PETITIONER IN CRL.OP(MD)NO.16271/2011
MR.M.GANANAGURUNATHAN, FOR THE PETITIONER IN CRL.OP(MD)NO.16738/2011
MR.G.PRABHU RAJADURAI, FOR THE PETITIONER IN CRL.OP(MD)NO.8471/2012
MR.S.MUTHAL RAJ, FOR THE PETITIONER IN CRL.OP(MD)NO.8636/2012
MR.R.GANDHI FOR M/S.M.AJMAL ASSOCIAES,
FOR THE PETITIONER IN CRL.OP(MD)NO.10561/2012



MR.K.ANBARASAN	:	FOR R1 IN ALL CRL.OPS.
GOVERNMENT ADVOCATE (CRL.SIDE)	:	FOR R2 IN CRL.OP(MD)15193/2011
MR.M.S.SURESH KUMAR,	:	FOR R2 IN CRL.OP(MD)15500/2011
MR.K.GUHAN,	:	IN CRL.OP(MD)NO.16271/2011
NO APPEARANCE FOR R2	:	FOR R2 IN CRL.OP(MD)16738/2011
MR.S.M.A.JINNAH	:	FOR R2 IN CRL.OP(MD)8471/2012
MR.ANTONY S.PRABAKAR	:	FOR R2 IN CRL.OP(MD)8636/2012
MR.R.KARUNANIDHI	:	FOR R2 IN CRL.OP(MD)10561/2012
MR.M.NAVINKUMAR	:	

C O M M O N O R D E R

These petitions have been filed praying to quash the First Information Reports.

2. Reading of the complaint in these Criminal Original Petitions 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 (Cr1) (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/-

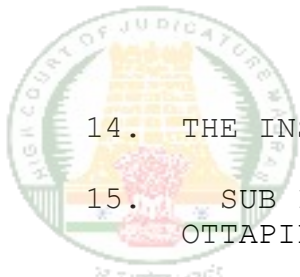
Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. THE JUDICIAL MAGISTRATE, VILATHIKULAM.
3. THE JUDICIAL MAGISTRATE, THENI.
4. THE JUDICIAL MAGISTRATE, KUMBAKONAM.
5. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
6. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
7. THE JUDICIAL MAGISTRATE, VADIPATTI.
8. THE SPECIAL JUDGE,
SPECIAL COURT UNDER THE T.N.P.I.D. (IN FINANCIAL ESTABLISHMENT) ACT,
MADURAI.
9. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
10. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
11. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
12. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM.
13. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.



14. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, DINDIGUL
15. SUB INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.
16. INSPECTOR OF POLICE, VEERAPANDI POLICE STATION, THENI DISTRICT.
17. THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION, THANJAVUR DISTRICT.
18. THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI CITY.
19. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THOOTHUKUDI.
20. THE INSPECTOR OF POLICE, CHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
21. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI DISTRICT.
22. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.S.DEENADHAYALAN, ADVOCATE IN SR : 15717
+1cc to MR.J.SURESH KUMAR, ADVOCATE IN SR : 15703
+1cc to MR.G.R.SWAMINATHAN, ADVOCATE IN SR : 15757
+1cc to MR.K.GUHAN, ADVOCATE IN SR : 15356
+1cc to MR.G.PRABHU RAJADURAI, ADVOCATE IN SR : 15633
+1cc to MR.R.KARUNANIDHI, ADVOCATE IN SR : 15319
+1cc to M/S.AJMAL ASSOCIATES, IN SR : 15555

Pjl/Gcg

SR : 22.04.2015 : 6p/30c

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