

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44839 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in registering a crime against the petitioner/A.3 in crime No.236 of 2016 under Section 145 of Code of Criminal Procedure as illegal and abuse of process of law and as such, consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that without therebeing any cognizable offence committed by the petitioner, the second respondent registered the F.I.R., under Section 145 of Code of Criminal Procedure (CrPC), which is illegal and arbitrary. He further submits that the second respondent has no power to register F.I.R., under Section 145 CrPC.

Admittedly, the said F.I.R., reveals that there is a law and order problem in connection with land disputes. This Court is of the view that if there is any apprehension of law and order problem, it is for the respondents to address a letter to the Revenue Authorities to invoke the provision under Section 145 CrPC., and the registration of F.I.R, by the second respondent by invoking Section 145 CrPC., is illegal in nature. Hence, the F.I.R., which is under challenge is hereby quashed. It is made clear that this order will not stand in the way of the respondents to address a letter to the revenue authorities for invoking provision under Section 145 CrPC., if there is any apprehension of law and order problem in that area.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

29.12.2016
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