IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL.O.P.No.7591 of 2017
and
CRL.M.P.Nos.5494 and 5495 of 2017

Rajkumar ... Petitioner

Versus

State rep. by Inspector of Police,
Dharapuram Police Station,
Tiruppur District. ... Respondent

Criminal Original Petition filed under section 482 of Criminal Procedure Code to call for the records connected with the F.I.R. In Crime No. 165 of 2017 on the file of the Inspector of Police, Dharapuram Police Station, Tiruppur dated 20.03.2017 and quash the same.

For Petitioner : Mr.G.Karthikeyan
For Respondent : Mr.M.Mohammed Riyaz
Government Advocate (Criminal Side)

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O R D E R

Petitioner seeks quash of proceedings in Crime No.165 of 2017 on the file of respondent.

2. Heard, Mr.G.Karthikeyan, learned counsel for petitioner and Mr.M.Mohammed Riyaz, learned Government Advocate (Criminal Side) for respondent.

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3. Learned counsel for petitioner submits that information of the likelihood of a breach of peace has been registered in Crime No.165 of 2017 on the file of respondent. Learned counsel contends that information of such nature ought not to be registered as a crime. Learned counsel submits that the informed erroneous approach is adopted at many a police station.

4. This Court finds learned counsel for petitioner right in his submissions. The First Information Report Book is meant for recording information of cognizable offences in keeping with Section 154 Cr.P.C. The likelihood of commission of offence is not to be entered therein. It would be appropriate that whenever the police receive information which might necessitate action by an Executive Magistrate u/s.107 to 110 Cr.P.C., the same be entered in a separate register and requisition for action thereupon be made to the Executive Magistrate. A copy of this order may be sent to the Director General of Police, Tamil Nadu, for issuing appropriate directions to the police force.

The Criminal Original Petition shall stand allowed. Proceedings in Crime No.165 of 2017 on the file of respondent shall stand quashed. Connected miscellaneous petitions are closed.

21.04.2017

Index:yes/no
Internet:yes
vsi2/gm

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To

1.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras – 104.

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C.T. SELVAM, J

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