



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.20170 of 2018
and
Crl.M.P.(MD).No.9314 of 2018

1.S.T.Raimand
2.Arasu
3.Rasaiya @ Angelo Rajendiran
4.Jestin
5.Jois

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

.. Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.122 of 2018, on the file of the respondent herein, quash the same against the petitioner.

For Petitioners: Mr.K.Rajeshwaran

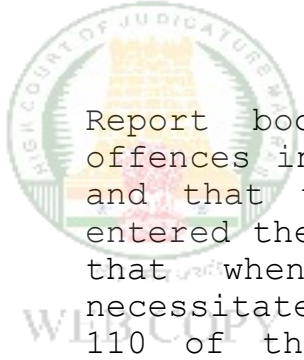
For Respondent : Mr.A.Robinson

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the impugned First Information Report in Crime No.122 of 2018 registered by the respondent for the offence under Section 107 of the Criminal Procedure Code.

2. The learned counsel for the petitioners would submit that on information of the likelihood of a breach of peace a case has been registered suo motu in Crime No.122 of 2018, on the file of the respondent police. The learned counsel would further contend that the information of such nature ought not to be registered as a crime and he would further submit that the action taken by the respondent is erroneous in law. He would also rely on the judgment of this Court in Crl.O.P.No.7591 of 2017, dated 21.04.2017 [Rajkumar Vs. State Rep. by the Inspector of Police, Dharapuram Police Station, Tiruppur District] wherein this Court had quashed the First Information Report rendering a finding that the First Information



Report book is meant for recording information of cognizable offences in keeping with Section 154 of the Criminal Procedure Code and that the likelihood of commission of offence is not to be entered therein. It has also been held that it would be appropriate that whenever the police received information which might necessitate action by an Executive Magistrate under Sections 107 to 110 of the Criminal Procedure Code, the same be entered in a separate register and requisition for action and thereupon be made to the Executive Magistrate. This Court also finds that the approach of the second respondent registering the case is bad in law.

3. The learned Government Advocate (Criminal side) would submit that there is a breach of peace in the Village and if this court intends quashing the First Information Report liberty may be granted to the respondent to proceed afresh in accordance with law.

4. Taking into consideration, the above submissions made by the learned Government Advocate (Criminal side) and also considering the judgment relied upon by the learned counsel for the petitioners, the First Information Report in Crime No.122 of 2018, on the file of the respondent police, is quashed. However, the respondent police is at liberty to take appropriate proceedings in accordance with law.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

• 1 CC TO Mr.K.Rajeshwaran , ADVOCATE IN SR No. 94809.

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