

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.33248 of 2019

N.Muruganantham

... Petitioner

Versus

State by
Inspector of Police,
(D4) Zambazar Police Station,
Vellore Dist.
Crime No.235 of 2019.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings initiated by the respondent Police i.e. First Information Report in Crime No.235 of 2019 on the file of the Sub Inspector of Police, D4 Zam Bazar Police Station, Triplicane district.

For Petitioner : M/s.T.Annamalai

For Respondent : M/s.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the investigation in Crime No.235 of 2019, pending on the file of the respondent.

2.The learned counsel for the petitioner has submitted that F.I.R in Crime No.235 of 2019 has been registered for the offence under Sections 143, 188, 41 clause (6) of the City Police Act, 1888 against the petitioner and others. He further submitted that as per Section 195 of Cr.P.C, no Court shall take cognizance of any offence punishable under Section 188 of IPC, except on the complaint in writing of the public servant concerned and as such the respondent cannot register an F.I.R.

3.He further submitted that since the offence under Section 188 of IPC is the main offence and other offences are

only consequential, the respondent cannot register FIR in respect of other offences also and investigate the matter. Hence, he prayed for quashing of the investigation in Crime No.235 of 2019 on the file of the respondent.

4.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that since there is a specific bar under Section 195 of Cr.P.C, with regard to the offence under Section 188 of IPC, the police cannot register FIR and hence he prayed to pass appropriate orders.

5.As per Section 195 of Cr.P.C, no Court shall take cognizance in respect of the offence under Section 188 of IPC, except on the complaint in writing of the public servant concerned and that being so, the respondent cannot register the FIR in respect of the said offence. The other offences are consequential offences. Therefore, the FIR in Crime No.235 of 2019 has to be quashed.

6.In the result, the F.I.R in Crime No.235 of 2019 pending on the file of the respondent is hereby quashed. Accordingly, this Criminal Original Petition is Allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
(D4) Zambazar Police Station,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.Annaamalai, Advocate Sr.102767

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cp[co]
srg 07/02/2020