



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) .No.4160 of 2019

and

Crl.M.P. (MD) .No.2501 of 2019

Paarameswaran

... Petitioner/ 4th Accused

Vs.

The State rep. By
The Sub Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District
(Crime No.22 of 2019)

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in Crime No.22 of 2019 on the file of the respondent police and quash the same in respect of this petitioner.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

O R D E R

The present petition is filed to quash the First Information Report in Crime No.22 of 2019 on the file of the respondent police

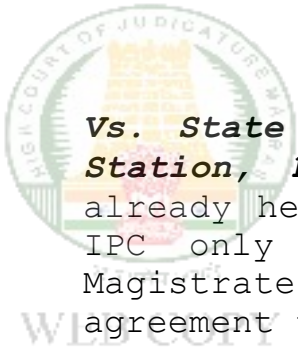
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

3. Initially, the case was registered by the respondent police under Sections 143 and 188 IPC on the allegation that despite notice to the first accused, the petitioner and others conducted a bull race at Aralvaimozhi - Nedumankadu Road.

4.1 Any complaint under Section 188 I.P.C., cannot be taken cognizance and it is not cognizable offence.

<https://hcservices.ecourts.gov.in/hcservices/>

4.2 This Court vide its judgment in ***Jeevanandham and Others***



Vs. State rep. By Inspector of Police, Velayuthampalayam Police Station, Karur District and another [2018-2-L.W.(Cr1.)606] has already held that the court can take cognizance under Section 188 IPC only on the basis of a complaint preferred before the Magistrate by the concerned public servant. This Court is in agreement with the reasoning of the said judgment.

5. In view of the same, the present petition is allowed and the First Information Report in Crime No.22 of 2019 on the file of the respondent police is hereby quashed in respect of the petitioner. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To,

1.The Sub Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-55845[F] dated 22/03/2019)

cm

Cr1.O.P. (MD) .No.4160 of 2019
and
Cr1.M.P. (MD) .No.2501 of 2019
20.03.2019

KM/(06.05.2019) 2P 4C