



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD)No.9093 of 2019

Ramesh ... Petitioner/Sole Accused
Vs.

The State rep.by
its Inspector of Police,
Surandai Police Station,
Tirunelveli District.

Crime No.114 of 2019 ...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the FIR in Crime No.114 of 2019 on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Sivakumar
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to quash the FIR in Crime No.114 of 2019 registered under Section 107 Cr.P.C., pending on the file of the respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) for the respondent.

3. On perusal of the FIR, it could be seen that it is only an information given by the respondent police to the Executive Magistrate to initiate proceedings under Section 107 Cr.P.C., against the petitioner and others on the ground that the petitioner is likely to commit breach of peace and public tranquillity. Now the matter is pending with the Executive Magistrate. Ultimately, it is for the Executive Magistrate to decide whether there is sufficient ground to initiate proceedings under Section 107 Cr.P.C. In the event of initiating any proceedings by the Executive Magistrate under Section 107 Cr.P.C., and if the petitioner is aggrieved over the same, it is open to the petitioner to seek appropriate remedy in accordance with law. Instead, he cannot seek to quash the present First Information Report.

4. In the above circumstances, since the FIR itself is just an information given by the respondent police to the Executive



Magistrate, the same cannot be quashed. There is no merit in the petition. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

+1cc to Mr.S.SIVAKUMAR, Advocate, SR.No. 72218

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KK/SAR/17.07.2019/2P-4C

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