



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
Cr1.O.P. (MD) No.11762 of 2019

WEB COPY

Neelamegavarnam @ Neelameghan : Petitioner/Accused

Versus

The Inspector of Police,
Alwarthirunagari Police Station,
Tuticorin District.
(Crime No.72 of 2017) : Respondent

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the impugned FIR in Crime No.72 of 2017, on the file of the respondent Police and quash the same.

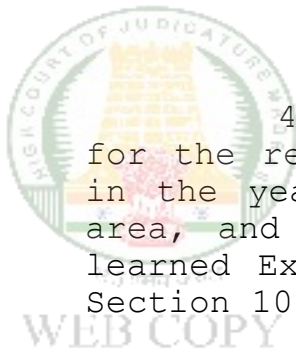
For Petitioner : Mr.V.Malaiyendran
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal side)

O R D E R

This petition has been filed to challenge the First Information Report registered for the offence under Section 107 of the Criminal Procedure Code.

2.According to the petitioner, the respondent Police has registered the First Information Report under Section 107 of the Code of Criminal Procedure, in the year 2017, against the petitioner on the ground that, there is a dispute between two groups of people regarding quarrying sand, and there is a likelihood of breach of peace and tranquility in that area. Hence, the respondent Police registered the First Information Report and requested the learned Executive Magistrate to take action against the petitioner under Section 107 of the Code of Criminal Procedure. Challenging the same, the present petition has been filed.

3.According to the petitioner, the petitioner came to understand that, the respondent Police has sent a communication to the learned Executive Magistrate stating that there is no breach of peace in the locality concerned, and the respondent Police made a request to the learned Executive Magistrate not to initiate proceedings under Section 107 of the Code of Criminal Procedure against the petitioner herein.



4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the recommendation has been made in the year 2017, as, there is no law and order problem in that area, and the respondent Police sent another communication to the learned Executive Magistrate not to initiate any proceedings under Section 107 of the Code of Criminal Procedure.

5.Considering the fact that, earlier the recommendation was made in the year 2017 and thereafter, there is no law and order problem in that area, I am inclined to quash the First Information Report in Crime No.72 of 2017 on the file of the first respondent Police registered against the petitioner herein. Accordingly, the criminal proceedings initiated against the petitioner in Crime No.72 of 2017 on the file of the first respondent Police, is hereby quashed.

6.This Criminal Original Petition stands allowed as indicated above.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Executive Magistrate,
Tiruchendur.

2.The Inspector of Police,
Alwarthirunagari Police Station,
Tuticorin District.

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

+1 CC to Mr.V. MALAIYENDRAN, Advocate (SR-83733[F] dated 28/08/2019)

Order made in
Crl.O.P. (MD) No.11762 of 2019
Dated: 27.08.2019

tsg

MK (19.09.2019) 2P 5C