



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD) No.19197 of 2019

and

CRL.M.P (MD) Nos.11258 and 11260 of 2019

WEB COPY

Jayamani

... Petitioner

Vs.

The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
(Crime No.580 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the charge sheet in C.C.No.644 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai.

For Petitioner : Mr.C.Ezhilarasu
For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.644 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai.

2.The learned Counsel appearing for the petitioner would submit that the respondent police neither being Special Police Officer nor an Anti Trafficking Police Officer has no authority to arrest or investigate the case. He would further submit that the petitioner arrayed as accused No.4 in this case. He would further submit that earlier this Court on the same ground raised by the co-accused has quashed the proceedings in respect of A2 and A3 in Crl.O.P.(MD).No.17085 of 2019 and also quashed the proceedings in respect of A1 in Crl.O.P.(MD).No.15770 of 2019. The relevant portion in Paragraph 4 of the order in Crl.O.P.(MD).No.15770 of 2019, dated 05.11.2019, which is extracted hereunder:

4. In the case on hand, admittedly, the respondent is not a Special Officer as mentioned under the ITP Act, 1956. Further, it is also seen that there is no authorization to the effect of conferring as such special status as to discharge a duty under ITP Act, 1956. That apart, the Deputy Superintendent of Police, who had sanctioned



permission to conduct the search, is also not found to be a Special Police Officer or Trafficking Police Officer as contemplated under Section 2 (i) (j) of ITP Act. In these circumstance, the entire proceedings initiated by the respondent is vitiated and it is nothing, but, clear abuse of process of law.

3.In view of the order passed in Crl.O.P.(MD).Nos.17085 and 15770 of 2019, this criminal original petition is allowed and the criminal proceedings in C.C.No.644 of 2019 pending on the file of the learned Judicial Magistrate No.II, Madurai is quashed as against the petitioner alone. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg
To

- 1.The Judicial Magistrate No.II, Madurai.
- 2.The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P(MD) No.19197 of 2019
and

CRL.M.P (MD) Nos.11258 and 11260 of 2019
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