

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.10.2020

PRONOUNCED ON : 28.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17853 of 2015
AND M.P.No.1 of 2015

M.Abdul Rasheed ..Petitioner/Accused No.2

Vs.

1.The Inspector of Police
B-1 Flower Bazaar Police Station
Chennai

2.A.K.Tajudeen ..Respondents/Complainant/
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records pertaining to Crime No.960 of 2014
pending on the file of the respondent police and quash the same.

For Petitioner : Mr.M.J.Jaseem Mohamed
For 1st Respondent : Mr.L.Charles Premkumar
Govt. Advocate (Crl. Side)
For 2nd Respondent : Mr.T.Velumani

ORDER

For the sake of convenience, the parties will be referred to
by their names.

2. On the complaint lodged by A.K.Tajudeen, the respondent
police registered a case in Crime No.960 of 2014 on 26.02.2014
under Section 406 and 420 IPC against (i) J.M.Iqbal, Secretary,
Masjid-E-Mamoor Committee and (ii) M.Abdul Rasheed, Assistant
Secretary, Masjid-E-Mamoor Committee, for quashing which, Abdul
Rasheed is before this Court.

3. Heard Mr.M.J.Jaseem Mohamed, learned counsel for the
petitioner; Mr.L.Charles Premkumar, learned Government Advocate
(Crl. Side) appearing for the 1st respondent and Mr.T.Velumani,
learned counsel for the 2nd respondent.

4. Tajudeen in his complaint to the police, has stated that,
he gave representations dated 17.12.2012 and 25.12.2013 to the

Government and to the WAKF Board, about the affairs of the Mamoor Masjid and that, Iqbal and Abdul Rasheed are collecting huge monies from public and are not satisfactorily accounting for them. He has further alleged that Mamoor Masjid has not been registered under the Societies Registration Act, but, the accused are projecting as if the Masjid is a registered society for collecting funds.

5. A complete reading of the complaint shows that it does not disclose any specific allegation of embezzlement or fraud and the complaint is replete with general allegations. An F.I.R. can be registered, only when the complaint discloses the commission of a cognizable offence and not based on sweeping allegations, as done in the case at hand. In Secretary, Minor Irrigation Vs. Sahngoo Ram Arya [(2002)5 SCC 521], the Supreme Court has held that every person has a right to live with dignity as guaranteed by Article 21 of the Constitution of India, without being hounded by the police and hence, a general direction to the police to find out if a person has committed an offence, cannot be given.

In the result, this Criminal Original Petition is allowed and the F.I.R. in Crime No.960 of 2014 on the file of the respondent police is quashed, not only as against Abdul Rasheed/petitioner herein (A2), but also against Iqbal (A1). Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
B-1 Flower Bazaar Police Station
Chennai

2.The Public Prosecutor
High Court, Madras

+1cc to Mr.M.J.Jaseem Mohammed, Advocate, S.R.No.34843

Order in
CRL.O.P.No.17853 of 2015

SR(CO)
RV(24/11/2020)