

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE **T. RAVINDRAN**

CrI.O.P.No.18731 of 2020

and

CrI.M.P.No.7336 of 2020

Ashwathaman,
S/o. Nagendiran

... Petitioner

Vs.

1.State: The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.

2.Bazir Ahmed,
Head Constable,
P3, Vyasarpadi Police Station,
Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the FIR in Crime No.28 of 2019 dated 26.01.2019 on the file of the Inspector of Police, P3 Vyasarpadi Police Station, Chennai.

For Petitioner : Mr.M.P.Saravanan

For R1 : Ms. M. Prabhavathi

Additional Public Prosecutor

ORDER

Seeking to quash the FIR in Crime No.28 of 2019 dated 13.09.2019 on the file of the Inspector of Police, P3, Vyasarpadi Police Station, Chennai, the Criminal Original Petition has been laid by the petitioner/A1.

2.The case has been registered against the petitioner and another under Sections 290 and 336 of IPC.

3.Contending that the offences levelled against him namely Sections 290 and 336 of IPC are non cognizable offences and therefore, the registration of the case by the respondent police without the sanction of the Magistrate is contrary to law and on the abovesaid sole ground, according to the petitioner, the FIR registered against him is liable to be quashed. In this connection, the petitioner's counsel mainly relies upon part -II of the first Schedule of Cr.P.C.

4.However, when it is found that the case has been registered against the petitioner under Sections 290 and 336 of IPC and further, when it is seen that Section 336 IPC is a cognizable offence, as rightly contended by the Additional Public Prosecutor, as per Section 155(4) Cr.P.C, where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non cognizable.

5.Applying the Section 155(4) Cr.P.C, to the case at hand, when it is seen that the offence laid against the petitioner under Section 336 IPC is a cognizable offence and even though Section 290 IPC is a non cognizable offence, considering the import of Section 155(4) Cr.P.C, it is found that the respondent police is competent to register the FIR against the petitioner without any sanction of the Magistrate as provided under Section 156(1) Cr.P.C.

6.Other than the abovesaid ground, no other ground is projected by the petitioner for quashing the FIR registered against him.

7.In the light of the abovesaid factors, the ground raised by the petitioner for seeking to quash the FIR is found to be baseless and totally unacceptable.

8.In conclusion, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

30.11.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
vsn

To

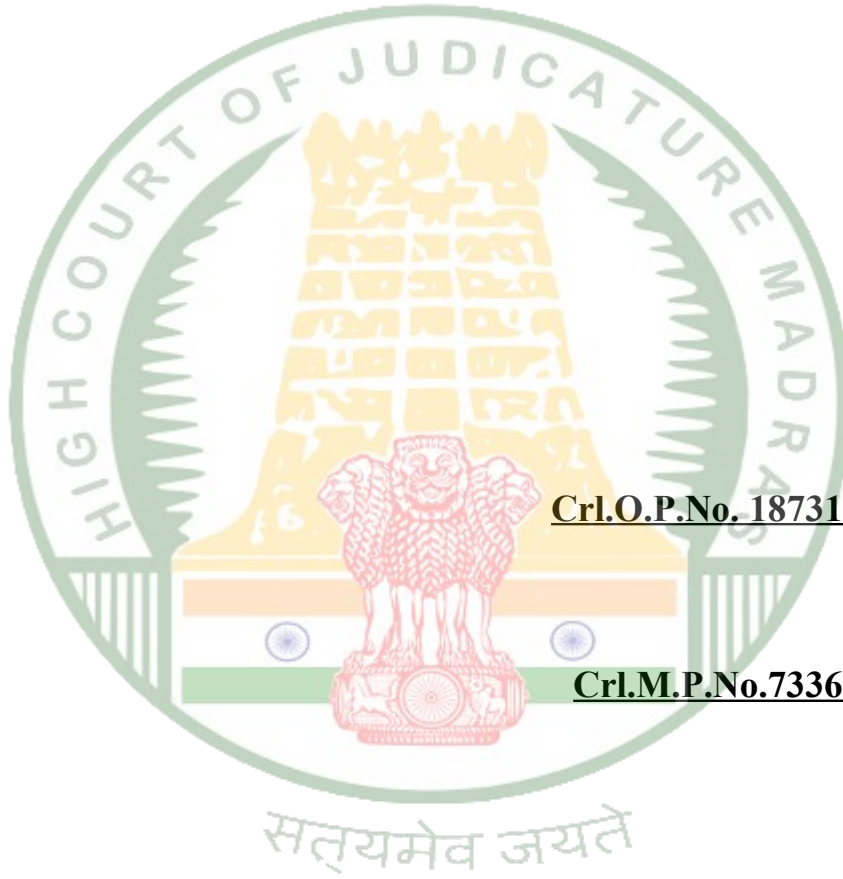
1.The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.

2.Bazir Ahmed,
Head Constable,
P3, Vyasarpadi Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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T. RAVINDRAN, J.
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