



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2020

CORAM:

THE HONOURABLE **MR. JUSTICE R. PONGIAPPAN**

Crl.O.P. (MD)No.8975 of 2020

and

Crl.M.P (MD) No.4217 of 2020

WEB COPY

- 1.Velusamy @ Velsamy
- 2.Sudalai @ Umaiyandi
- 3.Nainar
- 4.Murugan

... Petitioners

Vs.

- 1.State represented by the
Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.47 of 2020)
- 2.Partheepan
- 3.Vadivel
- 4.Muthu
- 5.Ganesan

... Respondents

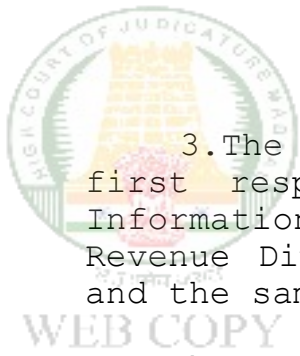
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.47 of 2020 on the file of the first respondent police and quash the same against this petitioners alone.

For Petitioners	: Mr.M.Murugesan
For R-1	: Mr.A.P.G.Ohm Chairma prabhu Government Advocate

O R D E R

This Criminal Original Petition has been filed praying to call for the records pertaining to the First Information Report in Crime No.47 of 2020 on the file of the first respondent police and quash the same as against the petitioners alone.

2.The learned counsel for the appearing petitioners would submit that in respect of the civil dispute having by the petitioners with the second respondent, the first respondent police herein foisted a false case against the petitioners under Section 145 Cr.P.C. The registration of the First Information Report itself, is an abuse of process of law and thereby, the same has to be quashed.



3.The learned Additional Public Prosecutor appearing for the first respondent police would submit that based on the First Information Report registered by the first respondent police, the Revenue Divisional Officer, Thoothukudi, had initiated an enquiry and the same is pending on his file.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, the main contention of the petitioners is that the first respondent police is not a competent person to register the First Information Report under Section 145 of Cr.P.C and therefore, the same cannot be sustained under the provision of law.

5.At this juncture, it is relevant and useful to see the judgment of this Court in the case of **M.Krishnamurthy and others Vs. The Sub Divisional Magistrate cum Revenue Divisional Officer and others in Crl.O.P(MD) No.17684 of 2015**, wherein the Division Bench of this Court in paragraph No.16 has held as follows:-

:16.In our opinion, what is laid before the Executive Magistrate in the FIR format is only an information and not a First Information Report stricto sensu as contemplated under Section 154 Cr.P.C. This practice does not fall foul of any rule of positive law. In Vinay Tyagi vs. Irshad Ali [(2013) 5 SCC 762], the Supreme Court has stated that the matters which are understood and implemented as a legal practice and are not opposed to the basic rule of law would be good practice and such interpretation would be permissible with the aid of the doctrine of contemporanea expositio..."

Applying said ratio with the case in hand, it is not in dispute that after registration of the First Information Report under Section 145 Cr.P.C, the same has been forwarded to the Revenue Divisional Officer, Thoothukudi, for further investigation. In the said circumstances, the question of quashing the First Information Report registered in Crime No.47 of 2020 does not arise.

6.With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

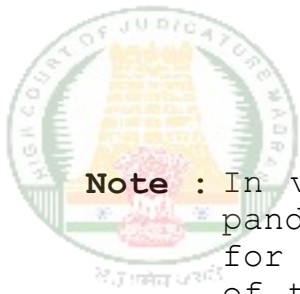
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/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
2. The Revenue Divisional Officer,
Thoothukudi
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.8975 of 2020
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