



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)Nos.10554 and 10555 of 2016

and

Crl.M.P. (MD)Nos.5234, 8722, 5235 and 8721 of 2016

G.Jeyaprakash

... Petitioner in both Crl.O.Ps.

Vs.

1.State Rep by

The Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin District.

... 1st Respondent/Complainant
in both Crl.O.Ps.

2.S.Chandran,

Assistant Engineer,
Tamil Nadu Electricity Board,
Thiruchendoor.

... 2nd Respondent/
Defacto Complainant in both Crl.O.Ps.

Common Prayer: These Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records in Crime Nos.111 and 112 of 2016 on the file of the respondent police and quash the same as against the petitioner.

(in both Crl.O.Ps)

For Petitioner : Mr.NR.Elango, Senior Counsel
For Mr.S.Ravi

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1

Mrs.Srimathy
For Mr.S.M.S.Johny Basha for R2

C O M M O N O R D E R

These criminal original petitions have been filed to quash the First Information Reports in Crime Nos.111 and 112 of 2016 registered on the file of Kulasekarapattinam Police Station for the offence under Section 135(1)(a) of the Electricity Act, 2003.



2.The learned senior counsel appearing for petitioner pointed out that these cases have been registered out of malafides. He drew my attention to the First Information Reports registered in Crime Nos.110 and 113 of 2016 to establish his contentions.

3.The learned standing counsel appearing for the defacto complainant/Electricity Board denied the said allegations. The defacto complainant has also filed typed set of papers controverting the claim made by the petitioner.

4.This Court has certain inherent limitations while exercising the power to quash an First Information Report.

5.However, taking note of the serious allegations made by the petitioner, I am of the view that the interest of justice requires that the investigation is conducted at the level of Deputy Superintendent of Police who shall be nominated by the Superintendent of Police, Thoothukudi District. The said Deputy Superintendent of Police shall investigate all the four First Information Reports namely., Crime Nos.110 - 113 of 2016 registered on the file of Kulasekarapattinam Police Station. The final report shall be filed by the new investigating officer to be nominated by the Superintendent of Police within a period of three months from the date of receipt of a copy of this order.

6.This Criminal Original Petition is disposed of on these terms. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

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



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

+1 CC to M/s.S.RAVI, Advocate (SR-3939[F] dated 30/01/2020)

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JMN(11.02.2020) 3P : 5C