



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2020**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No. 18440 of 2019

Muruganpandi

... Petitioner

Vs

1.The State represented by,
The Sub Inspector of Police,
Karimedu Police Station,
Madurai City.
(Crime No.915 of 2018)

2.Elango
Deputy Jailor,
In-charge Jailor,
Central Prison,
Madurai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records relating to Crime No.915 of 2018 dated 10.11.2018 on the file of the first respondent Karimedu Police Station, Madurai City and quash the same as against the petitioner.

For Petitioner : Mrs.S.Prabha,
for M/s.MA.Karunanithi

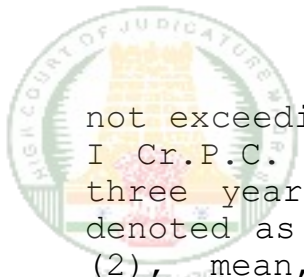
For 1stRespondent: Mrs.S.Bharathi
Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.915 of 2018 dated 10.11.2018 on the file of the first respondent Karimedu Police Station, Madurai City.

2.The learned counsel appearing for the petitioner submitted that as per the First Information Report, during a routine search of the cells, where prisoners are lodged within the prison premises, few cell phones were recovered along with SIM cards and charger either from open space or from inside the undergarments of the three prisoners. In the course of investigation, the petitioner and few others have also been roped in by the investigating agency. The petitioner is arrayed as Accused No.8.

3.The learned counsel appearing for the petitioner submitted that Section 42 of the Prison Act, 1894, provides a maximum punishment of six months simple imprisonment with or without fine,



not exceeding 200 Rupees. He added that as per Part II of Schedule-I Cr.P.C. any offence punishable with imprisonment for less than three years or fine under other laws other than I.P.C have been denoted as non cognizable offence and necessarily under Section 155 (2), mean, the case cannot be registered unless there is a Magisterial sanction to the same. He would further submit that this Court in Crl.O.P.(MD).No.413 of 2019 dated 13.03.2019 has quashed the FIR in respect of the co-accused/A4. The petitioner is A8 and similarly placed as that of A4. Admittedly, in this case, the complainant has not preferred a complaint before the Magistrate. Necessarily, the First Information Report fails and accordingly, this Court quashes the First Information Report in Crime No.915 of 2018.

4.In view of the above, this Criminal Original Petition stands allowed accordingly.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Sub Inspector of Police,
Karimedu Police Station,
Madurai City.

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

+1 CC to Mr.MA.KARUNANITHI, Advocate (SR-512[F] dated 07/01/2020)

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VB(27.01.2020) 2P 4C