



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. 19494 of 2019

and Crl.M.P. (MD) No.11435 of 2019

WEB COPY

Santhosh @ Santhosh Kumar ...Petitioner/A-1
Vs.

1. State rep. by the
Inspector of Police,
Manamadurai Police Station,
Sivagangai District - 630 606
(In Crime No. 368 of 2019)...1st Respondent/Complainant

2. Muthukumar ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire relevant records connected to the First Information Report in Crime No. 368 of 2019, dated 05.10.2019, pending on the file of the first respondent police station and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R. Senthilkumar
For R-1 : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No. 368 of 2019, dated 05.10.2019 on the file of the first respondent police station, as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that a case in Crime No. 368 of 2019 has been registered by the first respondent police based on a complaint lodged by the Village Administrative Officer. He would further submit that the Village Administrative Officer is not an authorised person under the Act to file a complaint against the accused persons and thereby the proceedings in an abuse of process of law. In support of his contention, he relied upon the government order in G.O.(Ms.) No.12, Industries MMC1, 2nd February 2009 and the order of this Court passed in Crl.O.P.(MD) No. 14715 of 2019.

3. The learned Government Advocate (crl. Side) would submit that the case in Crime No.368 of 2019 has been registered by the first respondent police based on a complaint registered by the Village Administrative Officer.

4. This Court in Crl. O.P.(MD) No.14715 of 2019 has held as hereunder:

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



" Admittedly, the Village Administrative Officer lodged the complaint and she is not an authorised person by the State Government to proceed as against the accused persons for the offences alleged in the FIR. Under these circumstances, the First Information Report cannot be sustained as against the petitioners and it is clear abuse of process of law".

5. Taking into consideration of the facts of the case, the complaint lodged by the Village Administrative Officer is not maintainable and hence, the proceedings in Crime No. 368 of 2019 on the file of the first respondent police is quashed.

6. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed. However, liberty is granted to the respondent to conduct further investigation in respect of offences under IPC in accordance with law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD).No. 19494 of 2019
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SMA/30/01/2020/2P/3C