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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.20028 OF 2018

AND

CRL.M.P.NO.10694 OF 2018

Sekar ...Petitioner / 1st Accused

Vs.

1.The Inspector of Police ...1st Respondent / Complainant
Panruti Police Station
Panruti, Cuddalore District

2.Manivasakam ...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the FIR No.356 of 2018 on the file of the first respondent.

For Petitioners : Mrs.R.Meenal

For Respondents : Mr.R.Kishore Kumar
Government Advocate for R1

Mr.K.S.Kumar for R2

ORDER

This Criminal Original Petition has been filed to quash the first information report registered against the petitioner for an alleged offence under Section 420 IPC.

2. The allegation in the first information report is that the de-facto complainant is stated to be District Secretary of Indian Communist Party. As per his allegation, the former District Secretary and his followers collected certain amount from public on 07.07.2018 by using the party's flag and thus they committed an offence.

3. The entire FIR is fragile in nature and does not even whisper about the nature of the amount or the person from whom such collection has been made and further there is no claim from the public that amounts have been received from them and no



particulars whatsoever was given. Though the FIR need not contain minute details and it may not be an encyclopaedia, to conduct further investigation, there must be some allegations so as to attract the penal provision.

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4. This court is of the opinion that, in the absence of any material to attract the penal provision, mere accusation has been made that they collected some amount from public. Without any particulars, the continuation of investigation with such a bald allegations is a futile exercise.

5. Accordingly, the criminal original petition is allowed. The FIR in Crime No.356/2018 dated 07.07.2018 pending on the file of the Inspector of Police, Panruti Police Station, is quashed. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Asr

To

1.The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Meenal, Advocate Sr.No.5125

Cr1. O.P. No.20028 of 2018
and CRL.M.P.No.10694 of 2018

SSD(CO)
RVM(22/02/2022)