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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.4662 of 2019
and
Crl.M.P.No.2761 of 2019

S.Venugopal

... Petitioner/Accused

Vs.

State rep.by the Inspector of Police
Hosur Town Police Station
Krishnagiri District.

... Respondent/Complainant

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records and quash the First Information Report in Crime No.209 of 2016 dated 14.03.2016 on the file of the Inspector of Police, Hosur Town Police Station, Krishnagiri District.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records and quash the First Information Report in Crime No.209 of 2016 dated 14.03.2016 on the file of the Inspector of Police, Hosur Town Police Station, Krishnagiri District.

2. The learned Counsel for the Petitioner submitted his arguments by placing reliance on the order granting bail to the Petitioner by the learned Principal Sessions Judge, Krishnagiri, in Crl.M.P.No.680 of 2016, wherein, she had observed that nothing had been recovered from the Accused. Therefore, bail was granted to him.

3. The learned Counsel for the Petitioner herein by



placing reliance on the above observations of the learned Sessions Judge, seeks to quash the First Information Report. He further submitted that at the time of filing of this Criminal Original Petition, interim stay was granted against the Investigating Officer.

4. The learned Government Advocate (Crl.Side) submitted that investigation could not be proceeded as there is an interim stay.

5. The learned Counsel for the Petitioner replies that the case was registered in the year 2016 and now we are in 2022. He seeks to quash the First Information Report by placing reliance on the decision of the Hon'ble Supreme Court in the judgment of State of Haryana and Ors Vs. Ch.Bhajan Lal and Ors, reported in 1992 AIR 604 and the guidelines issued in Para No.8.1 in (a) & (e).

6. Though the submission of the learned Counsel for the Petitioner is acceptable, but at the same time, the Hon'ble Supreme Court deprecated the practice of using or exercising power under Section 482 of Cr.P.C., liberally by the High Court.

7. It is the case of the Prosecution that the Petitioner herein is alleged to have used the ID cards under the guise of Human Rights Commission. Therefore, the Respondent Police registered the case against him and he was arrested. After obtaining bail from the Sessions Court, he had approached this Court to quash the First Information Report in the year 2019. At the stage of admission, this Court granted interim stay against the Investigating Officer, till the disposal of this Criminal Original Petition. The Petitioner, who is the accused before the Court concerned had succeeded in dragging the case and still it cannot be said that no material has been collected.

8. The submission of the learned Counsel for the Petitioner is found unacceptable. The case has been registered by the Police against the Accused for misusing the emblem under the guise of "Human Rights Commission". Already this Court ceased the matter after referring the case by initiating action against the people, who are running controversial Human Rights Commission unlawful/illegal (Katapanchayat). As per the discussion of the Hon'ble Supreme Court, it is an abuse of process of the Court on indulging in such kind of acts, which deprecates the Court time and again. Hence, this petition is dismissed with directions to the Police to proceed with the investigation and file a final report at the earliest before the Competent Court within a period of three months from the date of receipt of a copy of this order.



9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Principal Sessions Judge,
Krishnagiri.
2. The Inspector of Police
Hosur Town Police Station
Krishnagiri District.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.24374

Cr1.O.P.No.4662 of 2019
and
Cr1.M.P.No.2761 of 2019

PVS (CO)
SU (27/05/2022)