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CrI.O.P No.29376 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.29376 of 2022

and

CrI.M.P No.17971 of 2022

P.Priyanka

... Petitioner

Vs.

1.The Executive Magistrate/
Deputy Commissioner of Police
Triplicane District
Chennai-600 002.

2.State rep. by
The Inspector of Police
F-1 Chintadripet Police Station
Chennai-600 002.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the entire records in Executive Memorandum in Na.Ka.No.349 /Se.Nadu/Ka.Thu.Aa/Triplicane District/2022 dated 26.10.2022 issued by the 1st respondent and quash the same.

For Petitioner : Mr.K.Venkatesan

For Respondents : Mr.E.Raj Thilak

Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed, seeking to call for the entire records pertaining to Executive Memorandum in Na.Ka.No.349 /Se.Nadu/Ka.Thu.Aa/Triplicane District/2022 dated 26.10.2022 issued by the first respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner is an younger mother, having six months old baby and she does not have any criminal antecedents; the respondent police without any basis, has issued the proceedings under Section 107 Cr.P.C and hence this petition has been filed to quash the same.

4. On perusal of the impugned proceedings, it is stated that when the respondent police had involved in patrol duty, the petitioner was found in suspicious circumstances and on seeing the police, the petitioner was about



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to run; when she was enquired, she did not give any proper answer; in order to prevent any untowardness, the 1st respondent has given 107 Cr.P.C proceedings to her.

5. The proceedings is dated 03.11.2022. Even in the proceedings, there is no mention about any of the criminal antecedents of the petitioner. In fact, the proceedings is said to have been made ready on 26.10.2022. But in the subject of the proceedings, the reasons stated is about the happenings on 03.11.2022 at about 4.00 p.m. and there is no application of mind on the part of the 1st respondent police and it is fatal to the very first proceedings.

6. In view of the same, this Criminal Original Petition is allowed and the proceedings of the 1st respondent vide Executive Memorandum in Na.Ka.No.349/Se.Nadu/Ka.Thu.Aa/Triplicane District/2022 dated 26.10.2022 is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

30.11.2022

Index : Yes/No
Speaking Order : Yes / No



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To

- 1.The Executive Magistrate/
Deputy Commissioner of Police
Triplicane District
Chennai-600 002.
- 2.The Inspector of Police
F-1 Chintadripet Police Station
Chennai-600 002.
- 3.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA.,J
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