



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.121 of 2022

and

Crl.M.P. (MD) No.86 of 2022

WEB COPY

1.Karthikeyan

2.Rengasamy

3.Subramanian

... Petitioners/ Accused No.1 to 3

Vs

1.The State rep. by

The Sub Inspector of Police,
Kadayam Police Station,
Tirunelveli District,
(Crime No.106 of 2020)

... 1st Respondent/ Complainant

2.Sarsaian

Sub Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

...2nd Respondent/ Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the proceedings of FIR in Crime No.106 of 2020 on the file of the first respondent and quash the same as against the petitioners herein.

For Petitioners : Mr.K.P.Narayanakumar

For Respondents : Mr.A.Albert James
Government Advocate (crl.Side)

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

2. The petitioners have been booked for the offence under Section 291 of IPC. It has been held vide order dated 09.11.2021 in Crl.O.P.(MD)No.16135 of 2021 that Section 291 of IPC can be invoked only if there has been a breach of the order passed under Section 441 of Cr.P.C. In the case on hand, no such order has been breached. Only police directives have been sought to be defied.

3. Since the aforesaid decision clearly applies to the case on hand, the impugned FIR is quashed. This Criminal Original

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



Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sub Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-895[F] dated 10/01/2022)

CrI.O.P (MD)No.121 of 2022
06.01.2022

RD(31.01.2022) 2P 4C