



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.02.2022

Pronounced on : 25.04.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.2264 of 2022

and

Crl MP (MD)No.1656 of 2022

K.Muthuraja

... Petitioner/Accused No.3

Vs.

1.State, rep.by the Inspector of Police,
Checkanurani Police Station,
Madurai District.

...1st Respondent/
Complainant

(Crime No.1843 of 2020)

2.Ilayaraja

...2nd Respondent/
Defacto Complainant

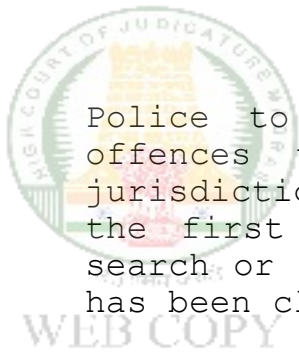
Prayer : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.1843 of 2020 on the file off the first respondent police station and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to quash the impugned FIR registered on the file of the first respondent for the offences under Sections 3(1) and 4(2)(c) of the Immoral Traffic (Prevention) Act, 1956. It is beyond dispute that the search as well as the arrest were conducted only by a Sub Inspector of Police attached to the Checkanurani Police Station. As rightly pointed out by the learned counsel for the petitioner, violation of Section 15 of Immoral Traffic (Prevention) Act, 1956 is apparent. The Government of Tamil Nadu had issued G.O.Ms.No.618 dated 13.04.1987 appointing a police officer not below the rank of Inspector of



Police to be the Special Police Officer for dealing with the offences under the Act in respect of the areas within his jurisdiction. Therefore, the Sub Inspector of Police attached to the first respondent police station could not have conducted the search or effected arrest. Since the mandate set out in the statute has been clearly violated, the impugned FIR is quashed as a whole.

2.The criminal original petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

To

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

Crl.O.P. (MD)No.2264 of 2022

25.04.2022

RK(25/05/2022) 2P 3C