



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.20241 of 2021

A.Kali

... Petitioner/Sole Accused

Vs

1.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

... 1st Respondent/Complainant

2.The Returning Officer and Revenue Divisional Officer,
196, Thirumangalam AC,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the Crime No.131 of 2021 on the file of the Inspector of Police, Thirumangalam Town Police Station, Madurai District.

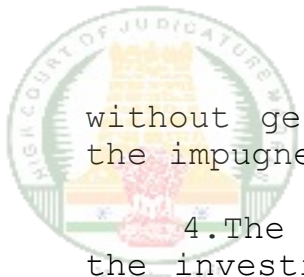
For Petitioner : Mr.B.Duraipandi
For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.131 of 2021 on the file of the first respondent police.

2.The prosecution case is that three inspections were conducted by the second respondent on 27.03.2021, 31.03.2021 and 04.04.2021. At that time, the petitioner did not produce the expenditure registers during inspection. Since, the petitioner failed to produce the expenditure registers, the second respondent lodged a complaint before the Deputy Superintendent of Police and the same was forwarded to the first respondent and it was registered as Crime No.131 of 2021 for the offences under Section 77 of Representation of People Act, 1951 r/w. Section 171(I) of I.P.C.

3.The learned Counsel appearing for the petitioner would submit that the petitioner submitted his final election expenditure register to the District Election Officer on 24.05.2021 itself ie., within 30 days from the date of declaration of result dated 03.05.2021 and the same was uploaded in the Election Commission website. His further contention is that as per Section 155(2) of CrPC, the first respondent ought not have registered an FIR and investigated the case for offence under Section 171(I) of IPC



without getting permission from the concerned Magistrate. Hence, the impugned FIR is liable to be quashed.

4.The learned Government Advocate (Crl. Side) would submit that the investigation is almost completed and the respondent police is about to file the final report before the concerned court.

5.Heard both sides and perused the materials available on record.

6.It is seen from the First Information Report that the offence under Section 177(I) of IPC is non-cognizable offence. In this case on hand, neither the information regarding the commission of non-cognizable offence recorded in the register as mandated in Section 155(i) and (ii) of CrPC nor informant was referred to the concerned Magistrate. It is clear violation of the provision to Section 155 (i) and (ii) of CrPC. Therefore, the impugned FIR cannot sustained against the petitioner and it is liable to be quashed. Accordingly, the Criminal Original Petition is allowed the FIR in Crime No.131 of 2021 is quashed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
- 2.The Returning Officer and Revenue Divisional Officer,
196, Thirumangalam AC,
Revenue Divisional Office,
Thirumangalam,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P (MD) No.20241 of 2021
17.03.2022

RS (29.03.2022) 2P-4C

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