



CrI.O.P.(MD) No.20953of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.20953 of 2022

and

CrI.M.P(MD) No.14609 of 2022

Kalaigñar

...Petitioner

vs

**1.The Inspector of Police
Karaikudi North Police Station,
Sivagangai District**

**2. Saravana Bose
S/o. Not Known
The Sub Inspector of Police
Karaikudi North Police Station,
Sivagangai District**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in relating to the impugned FIR in Cr.No.54 of 2022 on the file of the 1st Respondent Police and to quash the same.

**For Petitioner : Mr.M.S.Jeyakarthik
For R-1 : Mr. R.Suresh kumar
Government Advocate(CrI.Side)**



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ORDER

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This Criminal Original Petition had been filed to quash the First Information Report in Crime No.54 of 2022 on the file of the first Respondent police.

2. It is the submission of the learned Counsel for the Petitioner that the First Information Report had been registered under Section 109 of Cr.P.C. It is the further submission of the learned Counsel for the Petitioner that First Information Report is not required for maintaining peace as per Sections 107-110 of Cr.P.C. Proceedings are conducted by Executive Magistrate and the same will be entered in a separate register. A copy of this order may be sent to the Director General of Police, Tamil Nadu for issuing appropriate directions to the police force. In spite of the same, First Information Report is still pending. The Petitioner is unable to appear for examination and for his employment as there is First Information Report is pending. He would further submit that till date final report not filed. On the basis of the First Information Report, Executive Magistrate had not issued summons to the Petitioner for enquiry. In support of his contention, the



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learned Counsel for the Petitioner relied on the order of the learned Single Judge of this Court in Crl.O.P(MD) No.7591 of 2017 dated 21.04.2017. The relevant portion of the order reads as follows:

“4. This Court finds learned counsel for the Petitioner right in his submissions.. The First Information Report Book is meant for recording information of cognizable offence in keeping with Section 154 Cr.P.C.The likelihood of the commission of the offence is not to be entered therein. It would be appropriate that whenever the police receive information which might necessitate action by an Executive Magistrate under Section 107 to 110 of Cr.P.C the same be entered in a separate register and requisition for action thereupon be made to the Executive Magistrate. A copy of this order may be sent to the Director General of Police, Tamil Nadu for issuing appropriate directions to the police force.

The Criminal Original Petition shall stand allowed. Proceedings in Crime No.165 of 2017 on the file of the respondent shall stand quashed.Consequently connected miscellaneous petitions are closed”

Therefore the learned Counsel for the Petitioner seeks to quash the First Information Report in Crime No.54 of 2022 on the file of the first Respondent police.



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3. The learned Government Advocate(Crl.side) would submit that the First Information Report had been registered in Crime No.54 of 2019 under Section 109 of Cr.P.C and cases are pending against this accused.

4. The learned Counsel for the Petitioner by way of rejoinder submitted that those cases are under Section 75 of TNCP Act and Section 506(2) of IPC.

5. Considering the submission of the learned Counsel for the Petitioner and the order of the learned Single Judge of this Court that the First Information Report cannot be registered for the offence under Section 107 to 110 of Cr.P.C with a direction to the Director General of Police is found acceptable.

6. In the light of the said order of the learned Single Judge of this Court the First Information Report is in violation of the said order.



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7. In view of same, this Criminal Original Petition stands allowed and the First Information Report in Crime No.54 of 2022 is hereby quashed. Consequently connected miscellaneous petition is closed.

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Internet:Yes./No

Index:Yes/no

aav

To

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



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SATHI KUMAR SUKUMARA KURUP, J.

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