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Crl.O.P.No.2328 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**RESERVED ON : 21.07.2023**

**PRONOUNCED ON: 14.09.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**Crl.O.P.No.2328 of 2021**

**and**

**Crl.M.P.No.1289 of 2021**

N. Govindaraj

...

Petitioner

/vs/

1. State represented by  
Inspector of Police,  
All women Police Station,  
Tirupattur,

2. Inspector of Police,  
Jolarpettai Police Station,  
Tirupattur District

...

Respondents



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**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and quash the complaint in PRC No.1 of 2014 on the file of the Judicial Magistrate No.1, Tirupattur as against the petitioner/accused No.1.

|                 |     |                                                  |
|-----------------|-----|--------------------------------------------------|
| For Petitioner  | ... | Mr. K. Sridhar                                   |
| For Respondents | ... | Mr.L.Baskaran,<br>Government Advocate (crl.side) |

### **ORDER**

Challenging the criminal proceedings in P.R.C. No.1 of 2014 on the file of the Judicial Magistrate No.I, Tirupattur, the present petition has been filed.

2. The case of the prosecution is as follows:-

On 22.09.2013 between 21.30 and 00.30 hours, at Vikram Lodge, A8 being the owner of the lodge knowingly allowed A1, who is the manager and incharge of the said lodge, to run brothel in his lodge. A1 with the assistance and abetment of A2 and A7, recruited Vasantha and Malleswari, sex workers and allowed A5 Mohan and A6 Shankar to have sexual intercourse with sex workers in room numbers 105 and 107



respectively and thereby, permitted the above said lodge to be used for prostitution and that he is living with partial earnings from the said brothel.

Hence, case in Crime No. 16/2013, u/s. 3, 6, 7 of Immoral Traffic (Prevention) Act r/w.370(2), 370(A)(2) of IPC @ 3(1)(b), 3(a)(1), 4, 4(1)(c), 5(1),(a), 6, 7(2)(c) of Immora Traffic (Prevention Act) 1956 and 370(A), (2), 370(3) of IPC.

3. The learned counsel for the petitioner submitted that the petitioner Govindaraj is A1 in P.R.C.No.1 of 2014 on the file of the Judicial Magistrate No.I, Tirupattur. The averments in the First Information Report and the statements of all witnesses in the Final Report reveal no specific allegation against the petitioner/A1, which attracts the offences under Sections 3(a)(i), 4 & 6 of the Immoral Traffic (Prevention) Act 1956 and Section 370(3) of Indian Penal Code. The petitioner had not employed alleged sex workers, nor detained them in the lodge and the statement of LW5 and LW6 clearly reveals that they came to the lodge on their own free volition. The incident is only a case of relationship between two consenting adults and it does not reveal any act of Immoral Trafficking on



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the part of the petitioner/A1. The mandatory requirements under Sections 15 and 16 of the Immoral Traffic (Prevention) Act 1956 have not been complied with. Both the respondents 1 and 2 are not Special Police Officers notified under Section 13(1) for the Area by the State Government and do not have any jurisdiction to conduct any raid and register the FIR and file Final Report. The victims LW5 and LW6 have been arrested by the defacto complainant and he has failed to produce them before the Judicial Magistrate immediately, and the victims have not been examined by a Registered Medical Practitioner. He further submitted that the two witnesses, (Revenue Inspectors), who were present at the time of search of the said occurrence, were not respectable inhabitants of the locality and no woman witness was present during the search proceedings and hence, the ratio laid down by this Court in ***Crl.O.P.No.28535, etc., batch of 2018 (M/s.Kadek Dwi Ani Rasmini /vs/ K. Natarajan), dated 02.01.2019 and followed in Crl.O.P.No.2715 of 2019 (M.S.Narasimmalu /vs/ State), dated 16.04.2019 and 2019(1) Law Weekly 161 (Govindaraj /vs/ Inspector of Police )*** have not been complied with. Hence, violation of the mandatory provisions of Section 15 and 16 of the Immoral Traffic



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(Prevention) Act 1956 would lead to unsuccessful prosecution and it would only be an abuse of the process of law, resulting in miscarriage of justice.

In any event, the proceedings against the petitioner in P.R.C No.1 of 2014 on the file of the Judicial Magistrate No.1, Tirupattur is illegal, against law. Therefore, the criminal proceedings as against the petitioner is not maintainable and liable to be quashed.

4. To support his case, the learned counsel relies upon the judgment of this Court in (i) ***Crl.O.P.No.1726 of 2022( Kamrudin & otrs /vs/ Inspector of Police & another)*** (ii) ***Cr.L.P.No.14659 of 2011 ( S.Appeal /vs/ Inspector of Police)***, (iii) ***Crl.O.P.(MD) No.4414 of 2022( Tippu Sulthan /vs/ The Inspector of Police & anr.)***, (iv) ***Crl.O.P.(MD) No.19411 of 2022 ( Kumaresan /vs/ The Inspector of Police)***. (v) ***The decision of the Hon'ble Karnataka High Court in Crl.P.No.9680 of 2016 (Subramanyan /vs/ State of Karnataka), dated 30.06.2017,*** (vi) ***Crl.P.No.200782 of 2016 (Shivaraj /vs/ State of karnataka), dated 12.07.2016,*** (vii) ***1969(1) SCC 43 (Bai Radha /vs/ The State of Gujarat)*** (viii), ***the Judgement of the Hon'ble Supreme Court in Crl.A.No.1711 of 2011 (Avtar singh & anr /vs. State of Punjab) .***



5. The learned Government Advocate (crl.side) submitted that on 22.09.2013 between 21.30 hours and 00.30 hours, at Vikram lodge, Jolarpet Junction, Jolarpet, which is situated within the public vicinity and also within the limits of All Women Police Station, Tirupathur, A8/Selvam, who is the owner of the said lodge knowingly allowed A1, A2 and A7 to run brothel in his lodge and also allowed A5 and A6 to have sexual intercourse with victim Vasantha and Malleeswari, sex workers in room numbers 105 and 107 respectively. A3 and A4, who are acted as pimps on behalf of the sex workers, procured Malleeswari and Vasantha sex workers to carry on prostitution. Hence, the case has been registered.

6. He further submitted that on various dates i.e. on 22.09.2013 & 23.09.2013, the respondent police arrested the A5 to A7 and A1 to A4 respectively and recorded their confession statement and produced them before the learned Judicial Magistrate I, Thirupattur. The scope of section 15(1) and (2) of the Act has been dealt with by a three Judges bench of the Hon'ble Supreme Court in *(1969) SCC 43 ( Bai Radha vs State of Gujarat )* wherein it has been held that the legislature, in its wisdom,



provided special safeguards owing to the nature of the premises, which have to be searched involving inroads on the privacy of citizens and handling of delicate situations in respect of females and it has become a settled law that non-observance of the provisions of Section 15 of the Immoral Traffic(Prevention) Act would not vitiate the entire criminal proceedings and such provisions are only directory and not mandatory. In the case on hand, the place, where the search was conducted is not a residential one and it is only a commercial place.

7. The procedural irregularities is a matter for trial and criminal proceedings is initial stage and it cannot be quashed. In the judgment of Hon'ble Supreme Court in (2020)3 SCC 317 (Rajeev Kourav /vs/ Baisahab), it has been held as follows:-

*“ 8. It is no more res integra that exercise of power under Section 482 Cr.P.C. to quash a criminal proceeding is only when an allegation made in the FIR or the charge sheet constitutes the ingredients of the offence alleged. Interference by the High Court under Section 482 Cr.P.C is to prevent the abuse of process of any Court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the*



*accused in his defence cannot be looked into by the Court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 Cr.P.C. for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceedings”.*

8. I have considered the matter in the light of the submissions made by the learned counsel for the parties and perused the materials available on records carefully.

9. On perusal of the records, it reveals the fact that the petitioner herein is working as Manager in Vikram Lodge, Jolarpettai. On 22.09.2013, K.Saravanan, Inspector of Police, attached to Jolarpet Police Station, Thirupathur District, on receiving secret information of brothel at Vikram lodge, entered into the lodge on 22.09.2013 at about 21.30 hours and 00.30 hours and found victim Vasantha, Malleswari, sex workers along



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with male Mohan(A5) and Shankar(A6) having sexual intercourse in Room No.106 & 106 respectively and also found that A1, who is the Manager and owner of the lodge recruited more than one persons for the purpose of prostitution with the assistance and abetment of A2 and A7, thereby the petitioner/A1 committed the offence of Immoral Traffic. Hence, they arrested the accused and case has been registered.

10. I have gone through the statement of witnesses and other relevant documents filed by the respondent police, which reveals that the respondent police filed charge sheet against 8 accused and A8 Selvam is shown as absconding accused and the same has been taken on file as P.R.C.No.1 of 2014 by the learned Judicial Magistrate No.I, Tirupattur, in which, the respondent police cited 11 witnesses and the petitioner is arrayed as A1.

11. I have considered the contention of the learned counsel for the petitioner that the Mrs. Shanthi, Inspector of Police, All Women Police Station, Tirupathur, is the Special Officer notified by the State Government under Section 13 of the Immoral Traffic (Prevention) Act



1956. Mr. Saravanan, Inspector of Police, Jolarpet has conducted the search without warrant, effected arrest of the accused A1 to A7 and victims 1 and 2. He has investigated the case and recorded the statement of the witnesses and registered the First Information Report. He not being a Special Officer as defined under 2(1) of the Immoral Traffic (prevention) Act, 1956, the entire proceedings initiated by him is vitiated and it is clear abuse of process of law under Section 13(1) of the Immoral Traffic (prevention) Act . On fact, it reveals that Mr.Saravanan, Inspector police was attached to Jolarpet Police Station and the lodge was situated at the jurisdiction of Judicial Magistrate No.I, Jolarpet limit, Tirupattur and the First Information Report was registered by Mr.Saravanan, Inspector of Police, who was incharge of the All Women Police Station at the time of the above said occurrence.

12. I have also considered the contention of the learned counsel for the petitioner that the Inspector of Police had not conducted search after obtaining warrant from the concerned Magistrate and further violation of the procedure contemplated under Section 15 (1) of the Immoral Traffic (prevention) Act.



13. The procedure under Section 15(1) of the Immoral Traffic Act is mandatory. Section 15(1), 15(2) of the Immoral Traffic Act runs as follows:-

*15. Search without warrant -(1) Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer or the trafficking police officer as the case may be, has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a person living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recoding the grounds of his belief, enter and search such premises without a warrant*

*15(2) Before making a search under sub-section (1), the Special Police Officer or the trafficking police officer, as the case may be shall call upon two or more respectable inhabitants (atleast one of whom shall be a woman) of the locality, in which the place to be searched is situate, to attend and witness the search and may issue an order in writing to them or any of them so todo: provided that the requirement as to the respectable inhabitants being from the*



*locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search.*

14. To support his case, the learned counsel for the petitioner relied upon the judgment of this Court in ***W.P.Nos.29995 & 31320 of 2918 (Kadek Dwi Ani Rasmini /vs/ K.Natrajan & others), dated 02.01.2019 (2) 2015(1) LW 77 ( S.Rangaraj & others /vs/ Commissioner of Police, Chennai), (3) Crl.O.P.No.200782 of 2016 (Shivaraj /vs/ State of Karnataka), dated 12.07.2016, (4) Crl.O.P.No.9680 of 2016, (Subramanyan /vs/ State of Karnataka), dated: 30.06.2017.***

15. In this regard, the contention of the learned Government Advocate (Crl.side) is also to be considered. The Hon'ble Supreme Court in ***1969 (1) SCC 43 ( Bai Radha /vs/ The State of Gujarat) , in which the Hon'ble Supreme Court held as follows :***

*“ In conclusion it may be observed that the investigating agencies cannot and ought not to show complete disregard of such provisions as are contained in sub-sections (1) and (2) of Section 15 of the Act. The legislature in its wisdom*



*provided special safeguards owing to the nature of the premises which have to be searched involving inroads on the privacy of the citizens and handling of delicate situations in respect of females. But, the entire proceedings and the trial do not become illegal and vitiated owing to the non-observance of or non compliance with the directions contained in the aforesaid provisions. The court, however, has to be very careful and circumspect in weighing the evidence where there has been such a failure on the part of the investigating agency but unless and until some prejudice is shown to have been caused to the accused person or persons the conviction and the sentence cannot be set aside. It may not be out of place to reiterate what was said in H.N.Rishbud and Inder Singh /vs/ The State of Delhi , that a defect or an illegality in the investigation, however serious, has no direct bearing on the competency or the procedure relating to cognizance or trial of an offence and that whenever such a situation arises, section 537 of the Code of Criminal procedure is attracted and unless the irregularity or the illegality in the investigation or trial can be shown to have brought about a miscarriage of justice, the result is not affected.”*



16. In view of the above legal principles, before trial commenced at the initial stage, it is not proper to question the violation of procedure at the time of search.

17. I have considered the contention of the learned counsel for the petitioner that the 2<sup>nd</sup> respondent, Saravanan, Inspector of Police, Jolarpet, being the complainant would not be investigation officer. It violates the mandatory principle of fair investigation guaranteed to the petitioner under Article 21 of the Constitution of India.

18. In the instant case, Mr. Saravanan , Inspector of Police, is the complainant. He registered the First Information Report and conducted the investigation of this case. Such a practice to say the least should not be resorted to show that there may not be any occasion to suspect the fair and impartial investigation. At the same time, it is also to be remembered that illegality in investigation does not vitiate the trial unless miscarriage of justice has been caused .



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19. The judgment relied on by the learned counsel for the petitioner

in Crl.A.No.1889 of 2011, the Hon'ble Supreme Court observed as follows:-

*“ In view of the conflicting opinions expressed by different two Judge Benches of this Court, the importance of a fair investigation from the point of view of an accused as a guaranteed constitutional right under Article 21 of the Constitution of India, it is considered necessary that the law in this regard be laid down with certainty. To leave the matter for being determined on the individual facts of a case, may not only lead to a possible abuse of powers, but more importantly will leave the police, the accused, the lawyer and the courts in a state of uncertainty and confusion which has to be avoided. It is therefore held that a fair investigation, which is but the very foundation of fair trial, necessarily postulates that the informant and the investigator must not be the same person. Justice must not only be done, but must appear to be done also. Any possibility of bias or a predetermined conclusion has to be excluded.*



20. The principles laid down in the above said case have to be confined to the fact of the said case and the matter would have to be decided on the facts of the case without any universal generalisation.

21. At this juncture, it is pertinent to point out that the Hon'ble Supreme Court has discussed in detail about the inherent powers of the High Courts under Section 482 Cr.P.C in the following cases:

(i) ***R.P.Kapur Vs. The State of Punjab*** reported in ***AIR 1960 SC 866***

(ii) ***State of Haryana & Ors. Vs. Ch.Bhajan Lal & Ors.*** reported in ***AIR 1992 SC 604***

(iii) ***M/s.Neeharika Infrastructure Pvt. Limited Vs. State of Maharashtra & Ors.*** reported in ***2021 SCC Online SC 315***

21.1. In the case of ***R.P.Kapur Vs. The State of Punjab*** reported in ***AIR 1960 SC 866***, the Hon'ble Supreme Court has held as follows:

“6. .... It is well-established that the inherent jurisdiction of the High Court can be exercised to quash proceedings in a proper case either to prevent the abuse of the process of any court or otherwise to secure the ends of justice. Ordinarily criminal proceedings instituted against an accused person must be tried under the provisions of the Code, and the High Court would be reluctant to interfere with the said



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*proceedings at an interlocutory stage. It is not possible, desirable or expedient to lay down any inflexible rule which would govern the exercise of this inherent jurisdiction. However, we may indicate some categories of cases where the inherent jurisdiction can and should be exercised for quashing the proceedings. There may be cases where it may be possible for the High Court to take the view that the institution or continuance of criminal proceedings against an accused person may amount to the abuse of the process of the Court or that the quashing of the impugned proceedings would secure the ends of justice. If the criminal proceeding in question is in respect of an offence alleged to have been committed by an accused person and it manifestly appears that there is a legal bar against the institution or continuance of the said proceeding the High Court would be justified in quashing the proceeding on that ground. Absence of the requisite sanction may, for instance, furnish cases under this category. Cases may also arise where the allegations in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not constitute the offence alleged; in such cases no question of appreciating evidence arises; it is a matter merely of looking at the complaint or the first information report to decide whether the offence alleged is disclosed or not. In such cases it would be legitimate for the High Court to hold that it would be manifestly unjust to allow the process of the criminal court to be issued against the accused person. A third category of cases in which the inherent jurisdiction of the High Court can be successfully invoked may also arise. In cases falling under this category the allegations made against the accused person do constitute offence alleged but there is either no legal evidence adduced in support of the case or evidence adduced clearly or manifestly fails to prove the charge. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under Section 561-A the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not. That is the function of the trial Magistrate, and ordinarily it would not be open to any party to*



*invoke the High Court's inherent jurisdiction and contend that on a reasonable appreciation of the evidence the accusation made against the accused would not be sustained.”*

21.2. Further, in the case of ***State of Haryana & Ors. Vs. Ch.Bhajan Lal & Ors.*** reported in ***AIR 1992 SC 604***, the Hon'ble Supreme Court issued seven guidelines to be followed by the High Courts in the exercise of its inherent power vested by Section 482 Cr.P.C to quash the FIR/complaint, which are as follows:

*“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

*(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*

*(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

*(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

*(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*



(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

21.3. Similarly, in the case of ***M/s.Neeharika Infrastructure Pvt. Limited Vs. State of Maharashtra & Ors. reported in 2021 SCC Online SC 315***, the Hon'ble Apex Court has observed as follows:

“80. ...., our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the [Constitution of India](#) and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the [Constitution of India](#), our final conclusions are as under:

i) Police has the statutory right and duty under the relevant provisions of the [Code of Criminal Procedure](#) contained in Chapter XIV of the Code to investigate into a cognizable offence;

ii) Courts would not thwart any investigation into the cognizable offences;



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iii) *It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;*

iv) *The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).*

v) *While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

viii) *Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;*

ix) *The functions of the judiciary and the police are complementary, not overlapping;*

x) *Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;*

xi) *Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the*



*investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

*xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;*

*xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;*

*xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;*

*xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or*



till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

22. It is to be noted that the present case does not meet the parameters laid down by the Hon'ble Supreme Court in the decisions cited *supra*. Further, I do not find any merit in the present case.



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23. The judgments relied on by the learned counsel for the petitioner are not factually applicable to the case on hand and not helpful to quash the criminal proceedings. Hence, at this stage, it is not proper to quash the criminal proceedings as against this petitioner and I find no merit in this petition and the same is liable to be dismissed.

24. Accordingly, this Criminal Original Petition is dismissed.  
Consequently, connected miscellaneous petition is closed.

Index : Yes/No  
Internet : Yes/No  
mrp

14.09.2023

To  
The Judicial Magistrate No.I,  
Jolarpet.



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**V.SIVAGNANAM ,J.**

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**Pre-delivery order made in**  
**Crl.O.P.No.2328 of 2021**

**14.09.2023**