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Crl.O.P.No.11117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.11117 of 2023

and

Crl.M.P.No.6969 of 2023

Towfiq Ahamed

...Petitioners

vs.

State Rep by,
The Inspector of Police
Seven Wells Police Station,
Chennai.
(Crime No.312 of 2022)

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Crime No.312 of 2022 on the file of the respondent herein and quash the same as illegal.

For Petitioners : Mr.L.Abdulk Basith

For Respondents : Mr.A.Gopinath,
Government Advocate, for R1



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to the case in Crime No.312 of 2022 on the file of the respondent herein and quash the same as illegal.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent and perused the materials available on record.

3. The respondent, along with other police officials, had conducted a search in the house of the petitioner and had seized the mobile phones. According to the respondent, the petitioner had given contradictory statements and behaved in a suspicious manner. Hence, FIR came to be registered under Section 102 of the Code of Criminal Procedure (Cr.P.C).

4. Further, it is brought to the notice of this Court that already the investigation was done by the National Investigation Agency and during the course of investigation, the respondent police seems to have conducted the search and seized mobile phones in the house of the petitioner. However, the same cannot result in registering FIR under Section 102 of Cr.P.C., since this



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provision merely deals with the power of police officer to seize the properties (movable properties) in the course of investigation.

5. Therefore, in this case, the search was conducted and the properties have been seized and the same cannot result in registering FIR against the petitioner. There is nothing further to be done by registering FIR and hence, the pendency of FIR against the petitioner will amount to abuse of process of law, which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the light of the above discussion, this Criminal Original Petition is allowed and the FIR in Crime No.312 of 2022 is quashed. No cost. Consequently, the connected miscellaneous petition is also closed.

24.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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To

1. The Inspector of Police
Seven Wells Police Station,
Chennai.
(Crime No.312 of 2022)

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N. ANAND VENKATESH, J.

nsa

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