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Crl.O.P.No.17535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.17535 of 2023
and Crl.M.P.No.11480 of 2023**

Ranjithkumar

.. Petitioner

Versus

The State rep by

- 1. The Inspector of Police,
Banavaram Police Station,
Ranipet District.
(Crime No:205 of 2022)**

2. Parthiban

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crime No.205 of 2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Kalaiyaran

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1**



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ORDER

This petition has been filed seeking to quash the F.I.R in Crime No.205 of 2022 pending on the file of the first respondent.

2. The case of the prosecution is that on 25.10.2022 at about 11.30 P.M, the second respondent was doing surveillance and at that time, the petitioner is said to have driven the vehicle in a rash and negligent manner and was using filthy language against people in and around that place. Based on the complaint given by the second respondent, an F.I.R came to be registered in Crime No.205 of 2022 on 25.10.2022 under Section 7(1)(a) of Criminal Law Amendment Act, 2005.

3. Heard Mr.M.Kalaiyaran, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent.

4. The issue involved in the present case is squarely covered by the earlier order passed by this Court in Crl.O.P.No.14911 of 2022, dated 01.07.2022. The relevant portion is extracted hereunder:-



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" 5. As rightly pointed out by the learned counsel for the petitioner, Section 7[1] [A] of Criminal Law Amendment Act is only an amendment to Section 195A of IPC and it is not a penal provision. In such view of the matter, slapping of the provision under the Criminal Law Amendment Act is misconceived and the offence alleged against the petitioner under Criminal Law Amendment Act is not punishable. Therefore, registration of the First Information Report under the above section will not serve any purpose. Further, maximum punishment for Section 75 of the Tamilnadu City Police Act is 6 months or fine not exceeding Rs.1000/~ and the offence is a non cognizable offence and therefore, investigation cannot be proceeded without the permission of the learned Magistrate under section 155 of Cr.P.C. Without following the above procedures, filing of the First Information Report and conducting Investigation is nothing but abuse of process of law."

5. The above order squarely covers the case in hand and accordingly, the F.I.R in Crime No.205 of 2022 pending on the file of the first respondent Police is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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N.ANAND VENKATESH, J.

grs

To

1. The Inspector of Police,
Banavaram Police Station,
Ranipet District.
2. The Public Prosecutor,
High Court of Madras.

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