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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17955 of 2023
and Crl.MP.11853 & 11856 of 2023

1.M.Ramakrishnan (56/M)-A1
S/o.Manickam

2.G.Vediappan (55/M)-A2
S/o.Gowinthal

3.K.Valarmathi (30/F)-A3
D/o.Kamalamadaiyan

4.B.Mahalakshmi (33/F)-A4
D/o.Bose

.. Petitioners
/Accused Nos.1 to 4

.Vs.

1.State by
The Inspector of Police
Kottapatti
Dharmapuri-6369096.

.. Respondent/Complainant

2.Murali
The Inspector of Police
Kottapatti
Dharmapuri-6369096.

..Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records connected with STC.No.256 of 2020, on the file of the Hon'ble Judicial Magistrate, Harur and quash the same.

For Petitioners : Mr.G.Rajaguru

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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2.A final report has been filed against the accused persons u/s. 7(1)(a) of the Criminal Law Amendment Act, 2005 and the same has been put to challenge.

3.Heard Mr.G.Rajaguru, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

4.The issue involved in this case is squarely covered by the order passed by this Court in CrI.OP.No.14911 of 2022, dated 01.07.2022. The relevant portion is extracted hereunder:

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

<https://www.mhc.tn.gov.in/judis> *the offence is a non cognizable offence and therefore,*



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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. In view of the above, the proceedings in STC.No.256 of 2020, on the file of Judicial Magistrate, Harur is hereby quashed and this criminal original petition is accordingly, allowed. Consequently, connected miscellaneous petitions are also closed.

14.08.2023

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

To

1. The Inspector of Police
Kottapatti
Dharmapuri-6369096.

2. Murali
The Inspector of Police
Kottapatti
Dharmapuri-6369096.

3. Public Prosecutor
High Court of Madras.



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