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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2148 of 2022

K.Thangamuthu

Petitioner

vs.

1.The Superintendent of Police,
Namakkal District.

2.The Sub Inspector of Police,
Elachipalayam Police Station,
Namakkal District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR report registered in Crime No.376 of 2021 on the 2nd respondent at Elachipalayam Police Station, Namakkal District.

For Petitioner : Mr.D.Vijayan

For Respondents : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR registered by the 2nd respondent police under Section 107 of Cr.P.C.



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2. Heard Mr.D.Vijayan, learned counsel appearing on behalf of the petitioner and Mr.A.Gopinath, learned Government Advocate (Criminal Side) appearing on behalf of the respondents.

3. Section 107 of Cr.P.C., only contemplates the execution of bond as security in cases involving likelihood of breach of peace or disturbance of public tranquility. Section 107 of Cr.P.C., is purely preventive in nature and the power to initiate proceedings under Section 107 of Cr.P.C., lies only with the Executive Magistrate. In view of the same, there is no scope for the 2nd respondent police to register an FIR under Section 107 of Cr.P.C., and the same is totally unsustainable.

4. If there is a likelihood of breach of peace or disturbance of public tranquility, it is left open to the authorities to keep in mind the judgment of this Court in ***P. Sathish @ Sathish Kumar Versus State rep. by The Inspector of Police-Law & Order, Chennai & Another*** reported in **2023 1 LW (Crl) 810** and act accordingly. Having given this clarity, this Court has to necessarily interfere with the FIR that has been registered by the 2nd respondent and the same is hereby quashed.



WEB COPY 5. This criminal original petition stands allowed in the above terms.

05.07.2023

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

To

1. The Superintendent of Police,
Namakkal District.
2. The Sub Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

SSR

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