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Crl.O.P.No.1542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1542 of 2024

and

Crl.M.P.Nos.1078 & 1080 of 2024

- 1.Dr.G.N.Naidu,
Chairman, Managing Director
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
Villa No.14, Bollineni Homes, Sai Nagar,
Ayyappa Society, Madhapur,
Cyberabad, Hyderabad.
- 2.N.Satyananda Prasad,
Executive Director,
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
Plot No.42, Nandagiri Hills, Jubilee Hills,
Hyderabad.
- 3.G.Srinivasulu Naidu,
Director,
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
4/542, Ramalayam Road, Arvid Nagar,
Near RTC Bus Stand, Kadapa.
- 4.B.Surendra,
Director,
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
T.Kammappally Vispo, Pullampet Mandal,
Kadapa.



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5.D.Chandra Shekar Babu,
Director,
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
6-399, L-4A, ABNR Colony,
Rajampet, Kadapa.

6.Y.Vijaya Lakshmi,
Director,
Regency Ceramics Company Pvt Ltd., Yanam
(Actually Regency Ceramics Ltd.,)
Plot No.101, Sri Krishnaveni Residency,
Road, No.70, Huda Enclave,
Jubilee Hills, Hyderabad.

.. Petitioners

Vs.

1.The Inspector of Police,
Yanam Police Station,
Puducherry District.

2.K.Raju,
Senior Clerk,
Service Placement,
Sub-Court, Yanam.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to S.T.C.No.4 of 2019 on the file of the Judicial Magistrate, Yanam and quash the same as against the petitioners.

For petitioners : Mr.S.Giritharan

For R1 : Mr.K.S.Mohandoss
Public Prosecutor (Pondy)



ORDER

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This petition has been filed seeking to quash the proceedings pending in S.T.C.No.4 of 2019 on the file of the Judicial Magistrate, Yanam.

2.The case of the prosecution is that there was an arrears of property tax to the tune of Rs.44,88,655/- payable to the Yanam Municipality. The accused persons were not paying this amount to the Municipality. Therefore, the matter was referred to the Taluk Legal Services Committee based on the complaints given by the Commissioner of Yanam Municipality. Notices were served on the accused persons and they did not appear for the enquiry. In view of the same, based on the complaint given by the Taluk Legal Services Committee, an FIR came to be registered by the 1st respondent in Crime No.25 of 2018 for offence under Section 174 r/w 34 of IPC. On completion of investigation, final report has been filed before the Court below as against these accused persons and this final report has been taken cognizance by the Court below for the offences under Section 174 r/w 34 of IPC. The same has been put to challenge in the present petition.



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3. Heard the learned counsel for the petitioners and the learned Public Prosecutor (Pondy) for the 1st respondent.

4. In the considered view of this Court, the Court below did not have the jurisdiction to take cognizance of the final report that was filed by the 1st respondent under Section 173(2) of Criminal Procedure Code. Section 195(1)(a)(i) of Criminal Procedure Code makes it clear that no Court should take cognizance of any offence punishable under Sections 172 to 188 except on the complaint in writing of a public servant concerned or some other public servant to whom he is administratively subordinate. The complaint as provided in this provision pertains to the complaint as defined under Section 2(d) of Criminal Procedure Code.

5. If any offence is committed under Section 174 of IPC, the same can be dealt with only by way of filing a private complaint by the concerned public servant before the competent Court and the Court has to deal with the same in line with Chapter XX of Criminal Procedure Code.

6. The Court cannot take cognizance of a final report filed for the



offence under Section 174 of IPC. Therefore, the Court below lacked jurisdiction in entertaining the final report filed by the respondent police and on that ground alone the proceedings are liable to be interfered by this Court.

7.In the light of the above discussion, the proceedings as it stands before the Court below is liable to be interfered with and accordingly S.T.C.No.4 of 2019 on the file of the Judicial Magistrate, Yanam is hereby quashed. It is made clear that it will always be left open to the 2nd respondent to prosecute the case by filing a complaint, if law so permits.

8.In the result, Criminal Original Petition is allowed in the above terms. Consequently, the connected Miscellaneous Petitions are closed.

05.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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To

1.The Inspector of Police,
Yanam Police Station,
Puducherry District.

2.K.Raju,
Senior Clerk,
Service Placement,
Sub-Court, Yanam.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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