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Crl.O.P.No.4872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4872 of 2024
and Crl.M.P.No.3541 of 2024

Bala Sinouvassin @ Balaseenivasan

... Petitioner

Vs.

1.State by The Inspector of Police,
Muthialpet Police Station,
Muthialpet, Puducherry.

2.J.Prakash Kumar

...Respondents

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the entire records concerned in Cr.NO.91 of 2022 on the file of the Inspector of Police, Muthialpet Police Station, Muthialpet, Puducherry District and quash the same insofar as the petitioner is concerned.

For Petitioners : MrC.Prakasam

For RR1 : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Pondy)



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ORDER

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This petition has been filed to quash the FIR in Cr.No.91 of 2022, pending investigation on the file of 1st respondent.

2. The learned Additional Public Prosecutor (Pondy), on instructions, submitted that steps are being taken to close the FIR since no materials were able to be collected by the 1st respondent Police.

3. In the considered view of this Court, the FIR itself ought not to have been registered in this case for offence under Section 507 IPC, since it is non cognizable. The 1st respondent ought to have followed the procedure under Section 155 of Cr.P.C. before even registering the FIR. That clearly shows that the 2nd respondent who is an MLA had exerted pressure and got the FIR registered. Therefore, very registration of the FIR in this case is illegal.



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4. In the light of the above discussion, the FIR registered in Cr.No.91 of 2022, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is also closed.

29.02.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1. The Inspector of Police,
Muthialpet Police Station,
Muthialpet, Puducherry.

2. The Public Prosecutor,
High Court, Chennai.



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N.ANAND VENKATESH,J

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