



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.6084 of 2024

Senthilkumar

...Petitioner

Vs

State Rep. by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District
(Crime No.1207 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Charges in C.C.No.335 of 2022 on the file of the Judicial Magistrate, Rasipuram, Namakkal District in respect of the petitioner/A1 and pass any or other such orders that this court may deem fit and proper under the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.A.J.Mohamed Kassim

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed to quash the proceedings pending before the Court below in C.C.No.335 of 2022.

2.A final report has been filed against the accused person u/s. 7(1)(a) of the Criminal Law Amendment Act, 1932 and the same has been put to challenge.

3.Heard Mr.A.J.Mohamed Kassim, 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 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.In view of the above, the proceedings in C.C.No.335 of 2022, on the file of Judicial Magistrate, Rasipuram, Namakkal District is hereby quashed and this criminal original petition is accordingly, allowed.

13.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Judicial Magistrate, Rasipuram, Namakkal District.
- 2.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

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