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Crl.O.P.No.13092 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 05.06.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.13092 of 2024

and

Crl.M.P.No.8001 of 2024

1.Sathish  
2.Perumal  
3.Naveen

... Petitioners

Vs.

1.The Deputy Superintendent of Police,  
CBCID, Metro Wing-I,  
Egmore, Chennai-600 008.

2.The Inspector of Police,  
T-1, Tambaram Police Station,  
Tambarm.

3.Senthil Balamani

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to the impugned FIR in Crime No.04 of 2024 dated 28.04.2024 on the file of the 1<sup>st</sup> respondent police and to quash the same as illegal so far as the petitioner is concern.

For Petitioners : Mr.L.Infant Dinesh



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For R1 & R2 : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner been suspected in a case where nearly Rs.4 Crores was illegally transported and caught in a transit during model code of conduct is pending. FIR been registered for offence under Sections 171(C), 171(E), 171(F) & 188 of IPC.

2. The learned counsel appearing for the petitioners would submit that there is an inherent defect in registration of the complaint, since the procedural formality has not been adopted to proceed under Section 188 IPC not been followed. It is now settled by a reported judgment of this Court that for registering the FIR under Section 188 along with 171 of IPC, there need not be any formal procedure to be followed before registration of FIR.

3. On intimation of any cognizable offence with non cognizable offence, such as huge amount of money been illegally transported for an illegal activity during election, the Law Enforcing Officer cannot be expected to follow the procedural formality required



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for cognizable offence and then act upon the information. The apprehension and collection of material evidence is more important what is contemplated under the Statute for investigating non cognizance offence exclusively does not apply when offence cognizable also attracted. In such case it is expected police to act upon the tip what they have received. Therefore, this Court finds no reason to entertain the quash petition which is now in the investigation stage, wherein, the petitioners herein who were carrying around Rs.4 Crores expected to explain about the source and the purpose to transport such huge cash during election. Hence this Criminal Original Petition is dismissed as devoid of merits. Consequently, the connected Criminal Original Petition is also dismissed

**05.06.2024**

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Deputy Superintendent of Police,  
CBCID, Metro Wing-I,  
Egmore, Chennai-600 008.

