



Crl.O.P.No.26050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.26050 of 2024

- 1.M.S.Musthakeen
2. N.Kunabalasingam
3. A.Ramakrishnan
4. K.B.Premsri

... Petitioners

Vs.

1. The State represented by
The Inspector of Police,
B-5, Harbour Police Station,
Chennai.
2. M.Arun
Deputy Commandant
District Operations and Place Officer
for Commander,
CGDHQ-5(TN), Rajaji Salai,
Near Napier Bridge,
Chennai 600 009.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for F.I.R in Crime No.16 of 2024 on the file of the first respondent police and quash the same.



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For Petitioner s : Mr.P.Pugalenth
for Mr.K.Sakthivel

For R1 : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for F.I.R in Crime No.16 of 2024 on the file of the first respondent police and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the official respondent and perused the materials available on record.

3. Learned counsel for the petitioners submitted that the petitioners are SriLankan fishermen and they had entered into Indian waters due to engine failure in the fishing boat and they had not done fishing within the maritime zone of India and they had never committed



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any offence, as alleged by the respondent police. Without any valid reason, respondent police arrested the petitioners and remanded them in judicial custody and hence, they are unable to return to their nation. He further submitted that in the F.I.R itself, no offence has been disclosed as against the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners ventured into sea from Paruthithurai fishing harbour (Jaffna District) near Thalaida on 07.07.2024 and thereafter they have trespassed into the sea waters and crossed IMBL without any valid document and based on the complaint given by the second respondent herein, the first respondent has registered a case in Crime No.16 of 2024 as against the petitioners. Hence, he prayed for dismissal of the criminal original petition.

5. Since there is no adverse order passed as against the second respondent, notice to the second respondent is dispensed with.



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6. Admittedly the petitioners are Srilankan fishermen. Since they trespassed into Indian waters without any valid document, the second respondent made a complaint as against the petitioners and hence, a case in Crime No.16 of 2024 was registered by the first respondent police. At this stage, it is necessary to conduct investigation with regard to the purpose for which the petitioners trespassed into the Indian sea. Hence, this Court is not inclined to quash the F.I.R, however, it is necessary to direct the first respondent to conduct investigation and file a charge sheet as early as possible and after completing enquiry, if the respondent police comes to the conclusion that the petitioners have not committed any offence, they would be released as per norms.

7. With the abovesaid direction, the Criminal Original Petition is disposed of.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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