



CrI.O.P.(MD) No.1579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1579 of 2024

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... Petitioner / Accused No.5

Vs

**The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.265 of 2018)**

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the FIR in Crime No.265 of 2018 on the file of the respondent police and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.N.Pragalathan

**For Respondent : Mr.M.Veeranthiran
Government Advocate**



Crl.O.P.(MD) No.1579 of 2024

ORDER

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These Criminal Original Petition has been filed to quash the FIR in Crime No.265 of 2018 on the file of the respondent police.

2. The learned Counsel appearing for the Petitioner submits that Petitioner along with others had conducted agitation regarding the amendment made in Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The Respondent police had registered a case in Crime No. 265 of 2018 for the offences under Sections 341, 143 & 188 of IPC.

3. The learned Government Advocate (Crl.side) on instructions would submit that the agitators on that particular date had detained the train on Railway track for about 10 minutes and that investigation had been completed and final report was also ready but yet to be numbered.

4. The learned Counsel appearing for the Petitioner relied on the ruling of the High Court reported in **2018 2 L.W. (Crl.) 606 (Jeevanandham Vs. State rep. by Inspector of Police)** in which it is clearly



CrI.O.P.(MD) No.1579 of 2024

stated that for the offence under Section 188 of IPC, the police has no power to register a case. It has to be taken up as a private complaint by any public authority. Therefore, he seeks to quash the FIR in Crime No.265 of 2018.

5. In the light of the *Jeevanandham* case, the Criminal Original Petition is allowed.

02.02.2024

Index: Yes/no
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To

- 1.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.1579 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.1579 of 2024

02.02.2024