



*Crl.O.P.(MD)No.3777 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 08.03.2024

CORAM :

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD)No.3777 of 2024

and

Crl.M.P.(MD) No.2979 of 2024

Kaliraj

... Petitioner

Vs.

1. State represented by  
The Sub Inspector of Police,  
Sankarankovil Taluk Police Station,  
Tenkasi District.  
(Crime No.152 of 2022)

2. Zonal Deputy Tahsildar,  
Sankarankovil Taluk,  
Tenkasi District.

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the F.I.R in Crime No.152 of 2022 dated 06.09.2022 on the file of the first Respondent Police and to quash the same.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.M.Veeranthiran  
Government Advocate (Crl. side)



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## **ORDER**

The Petitioner had filed this petition seeking to quash the F.I.R. in Crime No. 152 of 2022 on the file of the first Respondent.

2. The learned Counsel for the Petitioner submitted that the case was registered against the Petitioner as F.I.R in Crime No.152 of 2022 for the offences punishable under Sections 143, 188 and 341 of I.P.C. Also, he submitted that the Respondent has no power to register the case in respect of the offence under Section 188 of I.P.C.

3. The learned Government Advocate(Crl. side) vehemently objected to the submission of the learned Counsel for the Petitioner stating that the Petitioner is alleged to have indulged in agitation, thereby, causing breach of peace and preventing movement of traffic. Therefore, the learned Government Advocate (Crl. side) objected to quash this petition.

4. Considering the contents of the F.I.R that the case was Registered as F.I.R in Crime No.152 of 2022 based on the complaint of the second Respondent which is against the judgment of this Court in ***Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrL. 606.*** The offence involved under Section 188 of I.P.C



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shall be filed as a private complaint by the responsible officer of the State Government, not as an F.I.R on the basis of the Police report. Therefore, the objection of the learned Government Advocate (Crl. side) is rejected. The F.I.R in Crime No.152 of 2022 is quashed.

5. In view of the above, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

**08.03.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
jbr

To

- 1.The Sub Inspector of Police,  
Sankarankovil Taluk Police Station,  
Tenkasi District.  
(Crime No.152 of 2022)
2. Zonal Deputy Tahsildar,  
Sankarankovil Taluk,  
Tenkasi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.,**

jbr

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**08.03.2024**