



Crl MP(MD)Nos.6270, 6896, 7343 and 7637 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the First day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl MP(MD)Nos.6270, 6896, 7343 and 7637 of 2024

in

Crl OP(MD)SR Nos.13094, 19670, 21752 and 18276 of 2024

IN CRL MP(MD)NO.6270 OF 2024:

AHAMED

... PETITIONER/ACCUSED No.7

Vs

1 THE INSPECTOR OF POLICE
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.260/2019.

... 1st RESPONDENT/COMPLAINANT

2 JEYAMOHAN

... 2nd RESPONDENT/DEFACTO COMPLAINANT

(*)3 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

...3RD RESPONDENT

(R3 IS SUO-MOTU IMPLEADED AS PER
COMMON ORDER OF THE COURT
DT.01/08/2024 IN Crl MP(MD)Nos.6270,
6896, 7343 and 7637 of 2024 in Crl OP(MD)SR
Nos.13094, 19670, 21752 and 18276 of 2024



Crl MP(MD)Nos.6270, 6896, 7343 and 7637 of 2024

PRAYER IN CRL MP(MD)NO.6270 OF 2024

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense With the production of the certified copy of FIR in Crime No.260/2019 dt.15.11.2019 on the file of the Adiramapattinam Police Station, Thanjavur District.

PRAYER in CRL OP(MD)SR.No.13094 of 2024:

To call for the records pertaining to FIR in Crime No.260 of 2019 dated 15.11.2019 on the file of the Adiramapattinam Police Station, Thanjavur District and Quash the same in so far as the petitioner is concern.

IN CRL MP(MD)NO.6896 OF 2024:

G.SARAVANAKUMAR

... PETITIONER/ACCUSED No.8

Vs

1 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.302 /2022

... RESPONDENT/COMPLAINANT

(*)2 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

...2ND RESPONDENT

(R2 IS SUO-MOTU IMPLEADED AS PER
COMMON ORDER OF THE COURT
DT.01/08/2024 IN Crl MP(MD)Nos.6270,
6896, 7343 and 7637 of 2024 in Crl OP(MD)SR
Nos.13094, 19670, 21752 and 18276 of 2024

Prayer in CRL MP(MD). 6896/ 2024 :

To dispense with the production of the certified copy of the FIR in Crime No.302 of 2022 on the file of the 1st respondent police and thus render justice.



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PRAYER IN CRL OP(MD) NO.SR 19670 OF 2024

To call for the records pertaining to the FIR in Crime No.302 of 2022 on the file of the 1st Respondent Police and quash the same as illegal in respect of the petitioner herein.

In CRL MP(MD) No.7343 of 2024

MANICKAM

... PETITIONER/ ACCUSED NO.10

Vs

1 THE SUB INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
CRIME NO. 144/2023

...RESPONDENT/COMPLAINANT

2 RAVICHANDRAN ... 2nd RESPONDENT/DEFACTO COMPLAINANT

(*)3 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

...3RD RESPONDENT

(R3 IS SUO-MOTU IMPLEADED AS PER
COMMON ORDER OF THE COURT
DT.01/08/2024 IN Crl MP(MD)Nos.6270,
6896, 7343 and 7637 of 2024 in Crl OP(MD)SR
Nos.13094, 19670, 21752 and 18276 of 2024

CRL MP(MD)No.7343/2024

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the production of the impugned FIR in Crime No. 144 of 2023 on the file of the 1st respondent police.

PRAYER IN CRL OP(MD)SR.No. 21752 of 2024:

Pleaded to call for the entire records pertaining to the Crime No. 144 of 2023 on the file of the 1st respondent police, quash the same in so far as the petitioner concerned.

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IN CRL MP(MD)NO.7637 OF 2024

M.CHRISTHUDASS

...PETITIONER/SOLE ACCUSED

VS

1.THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT
(CRIME NO.29 OF 2024)

...1ST RESPONDENT/COMPLAINANT

2 PANDISELVI

...2ND RESPONDENT/
DEFACTO COMPLAINANT

(*)3 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

...3RD RESPONDENT

(R3 IS SUO-MOTU IMPLEADED AS PER
COMMON ORDER OF THE COURT
DT.01/08/2024 IN Crl MP(MD)Nos.6270,
6896, 7343 and 7637 of 2024 in Crl OP(MD)SR
Nos.13094, 19670, 21752 and 18276 of 2024

Prayer in CRL MP(MD). 7637/ 2024 :

To dispense with the production of certified copy of the impugned FIR in Crime No.29/2024 dt 10.04.2024 on the file of the 1st respondent.

PRAYER IN CRL OP(MD)NO.SR 18276 OF 2024:

To call for the records relating to the impugned FIR in Crime No.29 of 2024 dated 10.04.2024 on the file of the 1st respondent and to quash the same as illegal.

Order : These petitions coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.D.S.HAROON RASHEED, Advocate for the petitioner in CRL MP(MD)No.6270/2024 and MR.P.BANUPRASATH, Advocate for the petitioner in CRL MP(MD)No.6896/2024 and MR.D.ANBARASU, Advocate for the Petitioner in CRL MP(MD)No.7343/2024



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and MR.VIJAY NIVAS S.P, Advocate for the petitioner in CRL MP(MD)No.7637 of 2024 and of MR.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondents in all cases, the court made the following order:-

The petitioners are accused in different crime numbers pending before the respective respondent police stations, have approached this court to quash the first information report registered against them.

2.Along with those quash applications they have also filed criminal miscellaneous petitions to dispense with the production of certified copy of the first information reports, which are of the years 2019, 2022, 2023 and 2024 respectively. This Court is not entertaining such applications filed without certified copies and therefore, this Court directed the petitioners to approach the Judicial Magistrate concerned to obtain first information report and to file it. The petitioner in Crl MP (MD)No.6270 of 2024 has filed a copy application before the Court concerned and it was rejected that the first information report in Crime No.260 of 2019 is not available with the Court and it was not filed by the respondent police. In all other three petitions also the copy applications filed seeking the certified copies of the first information reports, were returned stating the very same reasons.

3.This Court surprised over this, has called for a report from the respective

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Superintendent of Police.

4.The Superintendent of Police, Thanjavur has filed a report that the papers of particular crime number were misplaced with other files in the police station and therefore, there is a mistake on their part in not sending the FIR to the court.

5.Any information provided to the police, constituting an offence of cognizable in nature has to be recorded in the register under Section 154 CrPC. The investigation in any crime can commence only after registration of the FIR. The investigating officer is expected to forward the complaint of the FIR immediately to the Court concerned as per PSO No.552 of Police Standing Orders. Apart from that the investigating officer, who is empowered to conduct the investigation under Sections 156 CrPC is mandated to send FIR to the Magistrate to take cognizance of such offence as per Section 157 CrPC. The procedure of the investigation as contemplated under the Criminal Procedure Code commences from sending the report and as to how the report has to be submitted is also contemplated under Section 158 CrPC.

6.For reference PSO.No.552 of the Police Standing Order is extracted as under:

“552. First Information Report - To whom sent -- (1) Ordinarily one copy

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of the First Information Report will be retained in the Station and another will be forwarded without delay in the usual course to the Magistrate having jurisdiction and a third with the Station House General Diary to the Superintendent or Sub-divisional Police Officer through the Circle Inspector. In the case of the Police Inspector working as SHO he will directly submit it to the Sub-Divisional Officer. The Sub-Divisional Officer will retain one copy and the Station House Diary and send the other copy of the First Information Report to the Superintendent of Police. When the Circle Inspector or his superior registers and or takes up investigation, an additional copy should be made for his case diary file. When the Magistrate having jurisdiction is not the local Sub-Magistrate a fourth copy will be sent to the latter also. To the copy sent to the Magistrate, the original report of the source with its enclosures, if any, in original, or the original written complaint made by the complainant will be attached. Copies of these records will be made out and attached to the other copies. The copies will be made by the carbon process. (2) In cases coming under Clause (b) of the proviso to Section 157 of the Code of Criminal Procedure, the copy of the First Information Report should be sent to the Magistrate, through the Circle Inspector. In case of Police



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Inspector as SHO, he will himself send the report. (3) In cases referred under Sections 155 (2), 156 (3) and 202, Criminal Procedure Code, a copy of the First Information Report need not be sent to the Magistrate as the referred complaint itself constitutes First Information. Similarly in cases registered under Section 182 or 211, Indian Penal Code, with the orders of the Magistrate, a copy of the First Information Report need not be sent to the Magistrate.”

7.Despite the above provisions, it appears that the FIRs are not sent to the Court. It is not one case, there are four cases before this Court alone. Therefore, this Court in order to ascertain the differences, if any between the FIRs pending with the police stations and the Courts concerned, directed the Registry to get a report from all the districts, which come under the jurisdiction of this Bench. The difference in the FIR between the police station and the court, district wise, is as follows:

Sl.No	Districts	Pending before the Court	Pending with the Police Stations	Difference
1	Kanyakumari	9681	8864	817



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2	Tirunelveli	8060	5913	2147
3	Tenkasi	9786	9277	509
4	Virudhunagar	12712	10369	2343
5	Theni	11977	8484	3493
6	Trichy	21945	20282	1663
7	Pudukottai	17287	19706	2419
8	Thanjavur	39133	78032	38899
9	Karur	5674	12443	6769
10	Thoothukudi	24948	18184	6800
11	Sivagangai	16925	14330	2595
12	Dindigul	25937	17649	8288
13	Madurai	61449	60491	958
14	Ramanathapuram	17345	19027	1862
	Total	282859	303195	20336

8. There is a huge difference in the FIRs pending with the Police Station and the Courts. It appears that in these cases alone FIRs were not sent to the Court, but in around 20336 cases FIRs have not reached the Court so far. It appears that separate courts are conducted in the Police Stations without the FIRs being sent to the courts concerned. Such practice would certainly affect the course of criminal justice delivery system in the State.

9. The learned Additional Public Prosecutor justified that in some of the cases,

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though FIRs were produced before the Courts, the Courts have not issued any acknowledgement for the same. When this Court posed a question whether any register is maintained in the Police Stations for having despatched the FIRs to the Court, silence was answer to the question.

10.The Police can very well insist for acknowledgement. The Courts are also expected to maintain the FIR register. The Police Station is also deputing separate officers as Liasioning officers to the Courts to monitor the cases of the particular police station. If the FIRs have not been recorded in the register, it is the duty of the Liasioning Officers to bring it to the notice of the Clerk of the Court and insist for acknowledgement. The Police cannot justify this difference that the Courts are not issuing acknowledgements for the production of the FIRs.

11.The Superintendent of Police Thanjavur in his counter affidavit has stated that the he has formed 8 Special Teams headed by the DSP (DCB), to review these differences in the FIRs between the Police Stations and the Courts. Their performance is also being regularly reviewed in the monthly monitoring committee meeting with the Judicial Officers. The Police Officers alone cannot be blamed for this huge difference in the FIRs. The Judicial Officers who are inspecting the Police Stations are

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also expected to note down, whenever they come across the difference and it has to be recorded in their report. The Judicial Officers are not expected to receive the FIR, if there is any jumbling in the FIR. The Judicial Officer concerned and the Station House Officers can themselves sort out this issue and rectify these differences by convening periodical meetings. There is no necessity for separate special teams as constituted in Thanjavur.

12.Further the Superintendent of Police of a few districts have filed a report that they have initiated action against the officials concerned for not sending the FIRs to the Courts concerned. If they take action, they have to take action against 20,336 officers, it is not the intention of this Court at all. The very intention of the Court is only to rectify the mistake, to sort out the issue as far as possible without any further delay and to ensure that such mistakes do not recur and there should not be any separate courts in the police stations.

13.In order to appraise the condition of the police stations in not sending the FIR to the Courts concerned and conducting separate courts in the respective police stations, this Court suo motu impleads the Director General of Police as a party to these petitions and also direct the Director General of Police to look into the issue of



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these huge differences in the FIRs pending between the Police Stations and the Courts and ensure that this issue is solved immediately.

14.The Director General of Police shall file a report before this Court 05.11.2024.

15.Post these miscellaneous petitions on 05.11.2024 for reporting compliance.

16.Admittedly in these cases, the FIRs have not reached the Court. Therefore, the petitions filed by the petitioners to dispense with the production of certified copies of the FIR, are ordered as prayed for. The Registry is directed to number the main criminal original petitions and list it.

sd/-
01/08/2024

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/09/2024
Sub-Assistant Registrar (CS-I / II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.



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2 THE INSPECTOR OF POLICE
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

4 THE SUB INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.

5. THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

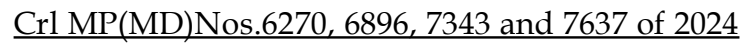
COPY TO:

1. THE SUPERINTENDENT OF POLICE
THANJAVUR DISTRICT.

2. THE SUPERINTENDENT OF POLICE
DINDIGUL

3. THE SUPERINTENDENT OF POLICE,
MADURAI.

4. THE SECTION OFFICER
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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in

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Date :01/08/2024

RK/GS (03/09/2024) 14P / 11C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023