



Crl.O.P.(MD)No.23507 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.23507 of 2023

and

Crl.M.P.(MD) No.18289 of 2023

1. Muthukumar
2. Saravanan

... Petitioners

Vs.

1. State represented by
The Inspector of Police,
Thirunagar Town Police Station,
Madurai City,
Madurai.
(Crime No.421 of 2017)

2. Mannavan
The Inspector of Police,
Thirunagar Town Police Station,
Madurai City,
Madurai.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the F.I.R in Crime No.421 of 2017 on the file of the first Respondent and quash the same as illegal so far as the Petitioners are concerned.

For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents : Mr.M.Veeranthiran

Government Advocate (Crl. side)



Crl.O.P.(MD)No.23507 of 2023

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ORDER

The Petitioner had filed this petition seeking to quash the F.I.R. in Crime No. 421 of 2017 on the file of the first Respondent.

2.The learned Counsel for the Petitioner submitted that based on the complaint of the de-facto Complainant, the case was registered against the Petitioner as F.I.R in Crime No. 421 of 2017 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 Petitioners stating that the Petitioners are 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.421 of 2017 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*. As per the reported ruling of this Court in the case of *Jeevanandham and others Vs. State Rep.*



Crl.O.P.(MD)No.23507 of 2023

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by Inspector of Police and another reported in (2018) 2 LW Crl. 606, the offence under Section 188 of I.P.C cannot be based on the report of the Police. The offence involved under Section 188 of I.P.C shall be filed as a private complaint by the responsible officer of the State Government. As far as this case is concerned, the second Respondent/de-facto complainant and the Investigation Officer are one and the same. Therefore, such a case cannot be proceeded legally. Therefore, the objection of the learned Government Advocate (Crl. side) is rejected. The F.I.R in **(*)Crime No.421 of 2017** is quashed.

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

Sd/-

Assistant Registrar (CS I)

(*)Corrected as per order of this Court dated 26/04/2024 made in Crl.O.P. (MD)No.23507 of 2023

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2024

Sub Assistant Registrar(CS)

jbr

<https://www.mhc.tn.gov.in/judis>



Crl.O.P.(MD)No.23507 of 2023

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- To
- 1.The Inspector of Police,
Thirunagar Town Police Station,
Madurai City,
Madurai.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.23507 of 2023

08.03.2024

MK/16.04.2024 4P 3C

MGJ/21.05.2024 4P 3C

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