



WEB COPY



Crl.OP.No.19154 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.08.2022

Pronounced on : 02.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.19154 of 2020 and
Crl.MP.No.7675 of 2020

K.J.Suriyanarayanan

..Petitioner

Vs.

1.State By:

Inspector of Police,
Crime Branch CID-Metro Wing II,
Egmore, Chennai 600 008

2.B.Sundari

..Respondents

PRAYER:

Criminal Original Petition is filed under Section 482 of Cr.P.C. to
call for the records connected with the case in crime No.7 of 2018 on the
file of the respondent-Police and quash the same.

For Petitioner : Mr.B.Janakiram

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)



WEB COPY



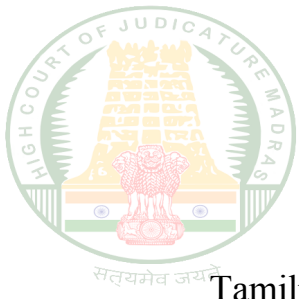
Crl.OP.No.19154 of 2020

For R2 : Mr.V.Karthick,
Senior Counsel
for Mr.N.Damodaran

ORDER

This petition has been filed to quash the F.I.R. in crime No.7 of 2018 registered by the first respondent police for offences under Sections 468, 471 and 420 of IPC, as against the petitioner.

2. The second respondent lodged complaint alleging that one, J.K.Siva Kumar, Head-HR, M/s.Leo Prime Company Private Limited approached the petitioner, a former Unit Secretary of St.John Ambulance Association (India), Chennai South Centre for getting first-aid certificate for 39 employees of his concern. For that, the petitioner had collected an amount of Rs.12,250/- by concealing the facts and misusing the name of St.Johns Ambulance with a view to secure illegal gain. In order to issue first aid certificates, the petitioner had illegally created an email ID without having any authorisation. It was started in the year 1912 having its headquarters in New Delhi. Its main object is to make each and every private individual to know about first aid at free of cost. About 110 training centres are functioning as basic units in various districts of

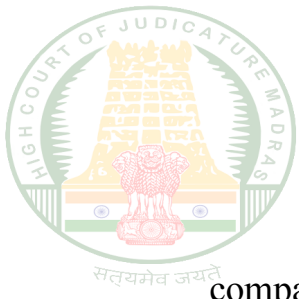


CrI.OP.No.19154 of 2020

WEB COPY

Tamilnadu. It gives minimum period of eight days training by qualified lecturers based on syllabus which is prescribed by St.John Ambulance Association(India).

2.1 After training, they have to conduct examination by qualified Registered Medical Practitioner. Those documents should be sent to the State Headquarters at Chennai. After verification, it will issue provisional certificate valid for three months. All the documents will be forwarded to the Indian Headquarters at New Delhi. Thereafter, provisional certificate will be issued by the State Headquarters valid for three months after collecting a sum of Rs.350/- from each applicant and Rs.150/- from the fee has to be paid to the Headquarters as processing fees for issuance of certificate. The petitioner was designated as a Secretary of one of the basic unit of St.John Ambulance institution and he was working till the year 2012. He was removed from the association due to some malpractices and even after removal, he continued to use the defacto complainant's name by illegally creating email ID and also by using bank account in the name of the association. He approached various



Crl.OP.No.19154 of 2020

WEB COPY

companies, schools, colleges, etc. by using the name of M/s.St.John Ambulance Association to impart first aid training. The trainer licence issued to the petitioner also lapsed in the month of February 2018 and even after expiry of trainer licence, he conducted first-aid training through his associates.

2.2 Indian Red Cross Society is part of the International Red Cross and Red Crescent Movement. It uses the Red Cross as an emblem in common with other international Red Cross Society. It is a voluntary humanitarian organisation to protect human life and health in India. St.John Ambulance Association is associated with Indian Red Cross Society. The said association is conducting first-aid and other programmes as provided in their regulations. Its primary object is to train members of civil society in first-aid and allied subjects. The petitioner has been running a voluntary centre associated with St.John Ambulance Association in the name and style of 'Madras City South Centre'. He is holding a Warrant of Constitution in certificate No.662 dated 18.12.1978. The St.John Ambulance, Wales, United Kingdom has awarded the



Crl.OP.No.19154 of 2020

WEB COPY

petitioner a certificate for successfully passing out the course conducted by them. He is an authorised lecturer for conducting First-Aid and Home Nursing Courses with approval of St.John Ambulance. He has been awarded with the certificate No.2627 and the certificate for conducting Home Nursing Course in certificate No.510 by the St.John Ambulance Association. Therefore, the petitioner is very well eligible for organizing and conducting the said courses.

2.3 There was internal politics between others and one, D.Vadivel Mugundhan got nominated as Vice President of Indian Red Cross Society and he continued to cause hindrance to the petitioner. Due to mismanagement by him, a suit has been filed before this Court in CS.No.539 of 2017 for injunction against him. The second respondent has already lodged complaint on 15.12.2015 before the Inspector of Police, Mambalam Police Station, Chennai and the same was registered in crime No.3999 of 2015 for the offences under Sections 294(b), 506(i) IPC r/w 109 of IPC as against the petitioners and others. After completion of investigation, charge sheet has been laid and the same has been taken



Crl.OP.No.19154 of 2020

WEB COPY

cognizance in CC.No.6099 of 2016 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai. Aggrieved by the same, the petitioner filed petition to quash before this Court in Crl.OP.No.6763 of 2017. Other accused persons also filed quash petition before this Court in Crl.OP.Nos.8715 & 8716 of 2017 before this Court. By common order dated 13.03.2018, this Court allowed the petitions and quashed the entire proceedings. In fact, the petitioner has filed complaint before Human Rights Commission on 02.06.2018 against police personnels. The petitioner also sent legal notice claiming damages to the tune of Rs.1,00,00,000/-. Again the second respondent preferred another complaint with the same set of allegations which was registered in the present FIR in crime No.7 of 2018.

3. The first respondent filed counter and revealed that the petitioner had not renewed the lectureship licence with the St.John Ambulance whereas he intentionally renewed the licence with Indian Red Cross Society and there was no communication. It is also revealed that the second respondent already lodged complaint and the same has been



Crl.OP.No.19154 of 2020

registered in crime No.6 of 2018 for the very same set of allegations.

WEB COPY

When it being so, again FIR has been registered on the second complaint lodged by the second respondent in crime No.7 of 2018. On the third complaint lodged for the very same set of allegations against the petitioner and two others, the same has been registered in crime No.2 of 2019. That apart, in the absence of suspension or withdrawal, cancellation or surrender of such a Warrant of Constitution, Chennai City South Centre, an autonomous body, independent of the association with its own arrangements for financial and administrative matters, has a perpetual legal leg to stand to its identity and administration and continues to performs its duties.

4. Whereas according to the petitioner, he was not terminated or removed. In fact, he has been elected as the Honorary Secretary for a term of three years repeatedly during 1987 to 2023. Therefore, the offences are same and for the very same occurrence, three FIR's have been registered as against the same accused persons.



Crl.OP.No.19154 of 2020

WEB COPY

5. An information given under Sub Section (1) of Section 154 of Cr.P.C. is the first information report. It is the earliest information of a cognizable offence recorded by an officer in charge of a Station House. It sets the criminal law in motion and marks the commencement of investigation which ends up with the formation of opinion under Section 169 or 170 of Cr.P.C., as the case may be, and forwarding of a police report under Section 173 of Cr.P.C. before the concerned jurisdiction Magistrate. It is quite possible and it happens not frequently that more informations that one are given to a police officer in charge of a police station in respect of the same incident involving one or more than one cognizable offences. In such a case, the investigation officer need not enter everyone of them in the FIR. Therefore, successive FIR's not being a counter case, filed in connection with the same or connected cognizable offence cannot be sustained and not permissible under law.

6. Once FIR has got registered and a person is found to be prima facie guilty of committing an offence or otherwise, re-examination by the investigation agency on its own should not be permitted merely by



Crl.OP.No.19154 of 2020

WEB COPY

registering another FIR with regard to the same occurrence. If such protection is not given to a suspect, then possibility of abuse of investigating powers by the police cannot be ruled out. It would result into a multiplicity of proceedings and unnecessary harassment to the accused and registration of multiple FIR's on the same occurrence would be hit by the doctrine of sameness and it would have to be obliterated, as it would amount to violation of fundamental rights of a citizen. Therefore, the impugned FIR cannot be sustained as against the petitioner and it is nothing but clear abuse of process of law.

7. Accordingly, the entire proceedings in crime No.7 of 2018 registered by the first respondent police for offences under Sections 468, 471 and 420 of IPC is quashed as against the petitioner and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

02.09.2022

Speaking order
Index : Yes
Internet : Yes
lok



WEB COPY



Crl.OP.No.19154 of 2020

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Inspector of Police,
Crime Branch CID-Metro Wing II,
Egmore, Chennai 600 008
- 2.The Public Prosecutor,
High Court of Madras

Crl.OP.No.19154 of 2020

02.09.2022