

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Cr1.O.P.No.33404 of 2014

and M.P.No.1 of 2014

- 1.Vanitha
- 2.Ravichandran
- 3.Bopalan
- 4.Vijayabharathi
- 5.Kalaivendan
- 6.Damodaran
- 7.Kathiravan
- 8.Manikandan
- 9.Elavarasan
- 10.Nandakumar
- 11.Anbarasu

.. Petitioners

vs.

- 1.The Sub Divisional Magistrate-Cum-Sub Collector, Chidambaram.

- 2.The Inspector of Police,
Kattumannar Koil Police Station.
(Crime No.283/2014)

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in M.C.No.169/2014 dated 26.11.2014, on the file of the first respondent and quash the same.

For Petitioners : M/s.S.Y.Masood

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition is filed under Section 482 CrPC, seeking to quash the proceedings in M.C.No.169/2014 on the file of the first respondent.

2. It is submitted by the learned counsel for the petitioners that the first respondent purporting to have acted under Sections 110 and 111 CrPC, issued proceedings in M.C.No.169/2014, calling

upon the petitioners to execute bonds, but has not followed the mandatory provision under Section 111 CrPC while issuing such proceedings. It is further submitted that under Section 111 CrPC, whenever the parties are directed to execute a bond, the authority shall make an order in writing setting forth the substance of the information received, the amount of the bond to be executed and in the impugned proceedings in M.C.No.169/2014, issued by the first respondent, the substance of the information was not mentioned and it was only stated that the F.I.R registered against the petitioners was perused and the petitioners made disturbance to public tranquillity and therefore, the petitioners ought to have been directed to execute a bond. The learned counsel for the petitioners therefore submitted that in the absence of stating the substance of the information or stated to be not in conformity with Section 111 CrPC, the proceedings is liable to be quashed.

3. The learned Additional Public Prosecutor submitted that on the basis of the F.I.R in Crime No.283/2014 proceedings under Sections 110 and 111 CrPC were initiated and though the substance of the case was not given, that may not be a reason to quash the proceedings.

4. I am unable to accept the contention of the learned Additional Public Prosecutor for the reason that as per Section 111 CrPC when a Magistrate is taking action under Sections 107 to 110 CrPC, he shall make an order in writing setting forth the substance of the information received and the amount of bond to be executed and the period of the bond. In this case, the substance of information has not been stated in the proceedings in M.C.No.169/2014 and therefore, the first respondent has not complied with the mandatory provision of Section 111 CrPC and hence, the proceedings is liable to be quashed.

5. In the result, this Criminal Original Petition is allowed and the proceedings in M.C.No.169/2014 on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

jvm

To

1.The Sub Divisional Magistrate-Cum-
Sub Collector, Chidambaram.

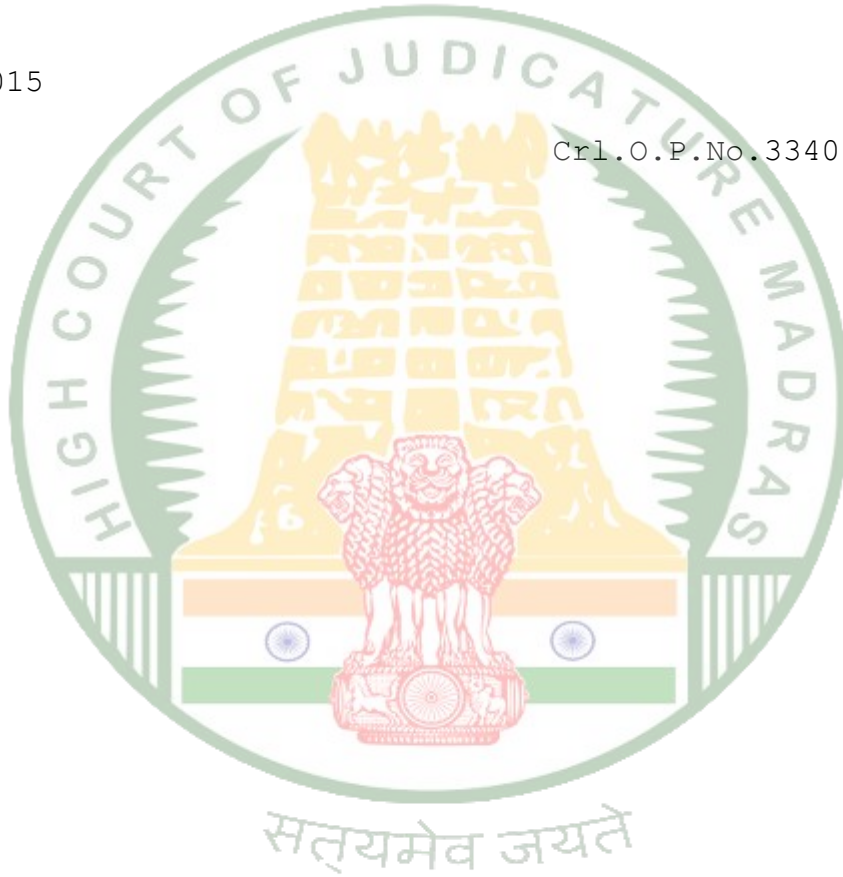
2.The Inspector of Police,
Kattumannar Koil Police Station.

3.The Public Prosecutor,
High Court, Madras.

CO-SSI

ths : 21.02.2015

Crl.O.P.No.33404 of 2014



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