

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.20903 of 2015 &

M.P.No.1 of 2015

K.Sundararaj

... Petitioner

Vs

1. State represented by

The Sub Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Dharapuram in M.C.No.7/2015/E.

2. The Inspector of Police,
Vellakoil Police Station,
Tirupur District.

3. R.Subramani

(R3 impleaded as per order of the court
dated 3.9.2015 made in M.P.No.2 of 2015
in Cr1.O.P.20903/15)

... Respondents

This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in M.C.No.7/2015/E dated 20.07.2015 pending on the file of the first respondent/The Sub Divisional Executive Magistrate - cum - Revenue Divisional Officer, Dharapuram and quash the same.

For Petitioner : Mr.N.R.Elango, Sr. Counsel,
for Mr.N.Damodaran

For Respondents 1 and 2: Mr.C.Emalias
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been to call for the records in M.C.No.7/2015/E dated 20.07.2015 pending on the file of the first respondent/The Sub Divisional Executive Magistrate - cum - Revenue Divisional Officer, Dharapuram and quash the same.

2. The only submission of the petitioner is that without following the procedures before passing an order under section 111 of Cr.P.C. passed the order in M.C.No.7/2015/E dated 20.07.2015, which is against the law. Further, the first respondent clubbed the 'A' party and 'B' party together in the proceedings in M.C.No.7/2015/E, dated 2.07.2015 which is against the law and as such the same is liable to be quashed.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4. Since the main grievance of the petitioner is only with regard to the clubbing of 'A' party and 'B' party, without going in to the other averments, this court quashes the order in M.C.No.7/2015/E dated 20.07.2015 with liberty to the first respondent to issue fresh notice to separately 'A' party and 'B' party and proceed in accordance with law. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vrc

To

1. The Sub Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Dharapuram in M.C.No.7/2015/E.
2. The Inspector of Police,
Vellakoil Police Station,
Tirupur District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.20903 of 2015

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