

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30019 of 2015 &
M.P.No.1 of 2015

K.M.Sundharamurthy

... Petitioner

Vs

1. The Sub-Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Thiruchengodu,
Namakkal District,
Pin - 637 211.

2. The Inspector of Police,
Elaichipalayam Police Station,
Namakkal District.
(in Crime No.230 of 2015)

... Respondents

This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in M.C.No.9/2015 on the file of the first respondent, as initiated by the 2nd respondent so as to quash the same.

For Petitioner : Mr.N.Jothi, Senior Counsel
for M/s.M.C.Govindan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been to call for the records pertaining to the proceedings in M.C.No.9/2015 on the file of the first respondent, as initiated by the 2nd respondent and quash the same.

2. The only grievance of the petitioner is that the second respondent in the category of A-Party in the 107 Cr.P.C. proceedings initiated by the first respondent, nine persons were included along with the petitioner as 'A' party . The further submission of the petitioner is that the first respondent has no jurisdiction to initiate the said proceedings against two sets

of people by enlisting them as A- Party and B-Party in the same proceedings and calling upon them to execute the bond. Hence, the petitioner has come forward with the present petition.

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

4. In view of the submissions of the petitioner, without going in to the other averments, this court set asides the order in M.C.No.9/2015 dated 01.12.2015 with liberty to the first respondent to issue fresh notice separately to 'A' party and 'B' party and proceed in accordance with law. Consequently, the connected miscellaneous petition is closed.

vrc

-s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Sub-Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Thiruchengodu,
Namakkal District,
Pin - 637 211.
2. The Inspector of Police,
Elaichipalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.M.C.Govindan, Advocate SR 68239

ad(co)
prk12/1

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