



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WEB COPY

Crl.O.P.(MD)No.19195 of 2014 and
M.P.(MD).Nos.1 and 2 of 2014

1. S. Balu
2. Arun Sankar
3. Palanithai

... Petitioners

Vs.

- 1.The Executive Magistrate - Cum
Revenue Divisional Officer,
Usilampatti,
Madurai District

2. The Inspector of Police,
Thirumangalam Police Station,
Madurai District

... Respondents

Prayer: Petition filed under Section 482 of CR.P.C. praying to call for the entire records relating to the impugned Notice issued by the first respondent in M.C.No.277/2014/A4 dated 15.07.2014 and quash the same as illegal.

For Petitioner : Mr.P. Ganapathi Subramanian
For Intervenor : Mr.G. Sundaram
For respondents : Mrs. S. Prabha
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition is filed to call for the entire records relating to the impugned Notice issued by the first respondent in M.C.No.277/2014/A4 dated 15.07.2014 and quash the same as illegal.

2. A case has been registered under Sections 107 and 111 of Cr.P.C by the second respondent. In pursuance of the registration of the case, the impugned notice came to be issued by the first respondent. Challenging the said proceedings, the present petition has been field.

3. Learned counsel for the petitioners submitted that the procedure contemplated under Section 107 Cr.P.C has not been
<https://hccs.eas.gov.in/services/> Further, The second respondent has no power to register the case under Section 107 Cr.P.C.



4. Secondly, the first respondent will have to arrive at a conclusion based on the material place before him instead of merely relying upon the First Information Report of the second respondent.

5. This Court finds considerable force in the submission made that what is required under Section 107 Cr.P.C is availability of the information and with that information the first respondent will have to form an opinion.

6. A perusal of the order impugned would show that the first respondent on being influenced by the First Information Report registered by the Second respondent, has formed an opinion and there is no independent discussion, made by the first respondent in the impugned order. Hence, the impugned order is set aside. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

trp

To

1.The Executive Magistrate - Cum
Revenue Divisional Officer,
Usilampatti,
Madurai District

2. The Inspector of Police,
Thirumangalam Police Station,
Madurai District

3.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court, Madurai.

Cr1.O.P.(MD)No.19195 of 2014 and
M.P.(MD).Nos.1 and 2 of 2014
20.04.2015

RG.28.05.2015

2P.4C.