



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CrI.O.P(MD)No.3371 of 2015
and
M.P.(MD).No.1 of 2015

P.Rajkumar .. Petitioner

Vs.

- 1.The State rep by
The Inspector of Police,
Junction Police Station,
Tirunelveli
(Crime No.9 of 2015)
- 2.The Administrative Magistrate cum
Assistant Commissioner of Police,
(Law and Order)
Tirunelveli. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the case No.52 of 2015 dated 13.02.2015 on the file of the second respondent and consequential summon issued by the second respondent in Case No.52 of 2015 dated 14.02.2015.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.K.Anbarasan
Govt. Advocate (CrI.side)

O R D E R

This petition challenges the action of the second respondent in initiating the proceedings under Section 107 Cr.P.C, in case No.52 of 2015 dated 13.02.2015.

2.The learned counsel for the petitioner submits that in relation to the proceedings initiated under Section 107 of Cr.P.C, the petitioner has been called upon to explain why he should not be required to execute a bond for good behaviour.

3.The proviso to Section 116 of Cr.P.C informs that no person against whom proceedings are not being taken under Section 108, 109 or Section 110 shall be directed to execute a bond for maintaining good behaviour. The proceedings under challenge necessarily is to be quashed and the petition may be allowed.



5. Accordingly, the case No.52 of 2015 dated 13.02.2015, on the file of the second respondent is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is also closed.

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/True copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

To

1.The Inspector of Police,
Junction Police Station,
Tirunelveli.

2.The Administrative Magistrate cum
Assistant Commissioner of Police,
(Law and Order)
Tirunelveli.

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

+1cc to Mr.G.Thalaimutharasu, Advocate in SR.No.11539

sm:26.03.2015:2P/5C

Crl.O.P (MD) No.3371 of 2015
10.03.2015