

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.10073 of 2016

V.Arumugam

.. Petitioner

Vs.

1.The Sub Divisional Executive Magistrate
cum Revenue Divisional Officer,
Thiruchengode, Namakkal District.

2.The Inspector of Police,
Mallasamudram Police Station,
Mallasamudram,
Thiruchengodu Taluk,
Namakkal District.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records leading to the M.C.No.74 of 2016 dated 26.4.2016 on the file of first respondent and quash the same.

For Petitioner
For Respondents

:: Mr.A.Tamilvanan
:: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the records in M.C.No.74 of 2016 dated 26.04.2016 on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On account of a dispute between the petitioner and the opposite party, the respondent-Police registered a case in Crime No.91 of 2016 dated 24.04.2016, for the offence under Section 107 Cr.P.C., and has referred the matter to the Tahsildar, Revenue Divisional Office, Tiruchengode, who has issued a show cause notice dated 26.04.2016, calling upon the petitioner to appear before him on 27.04.2016, challenging which, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the petitioner has filed Writ Petition in W.P.No.13719 of 2016, in which, an interim order has been granted by this Court.

5. In the considered opinion of this Court, show cause notice issued by the authority cannot be the subject matter of challenge. However, the learned Additional Public Prosecutor submitted that the case was adjourned to 03.05.2016 for non-appearance of the parties and thereafter, date has not been given by the Revenue Divisional Officer.

6. This Criminal Original Petition is disposed of with liberty to the petitioner to appear with an Advocate of his choice before the learned Executive Magistrate and place all the facts including the order passed by this Court in WP.No.13719 of 2016. The Executive Magistrate is directed to pass appropriate orders, after hearing all the parties in accordance with law. On the petitioner appearing and co-operating with the enquiry, the Revenue Divisional Officer, Tiruchengode, shall complete the proceedings within a period of three months thereafter.
ds

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To:

1.The Sub Divisional Executive Magistrate
cum Revenue Divisional Officer,
Thiruchengode, Namakkal District.

2.The Inspector of Police,
Mallasamudram Police Station,
Mallasamudram,
Thiruchengodu Taluk,
Namakkal District.

3.The Executive Magistrate
Tiruchengode.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Tamilvanan, Advocate SR 31826

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