

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17944 of 2016

and

Crl.MP.Nos.8530 & 8531 of 2016

Raja .. Petitioner

Vs

The Executive Magistrate and
Deputy Commissioner of Police,
(L&O, Cr. & Traffic)
Tiruppur City, Tiruppur.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned summons issued by the respondent herein in C.No.312 (A Party 1)/DC/L&O/Crime/Traffic/TPC/2016, dated 05.08.2016 and quash the same.

For Petitioner :Mr.G.Karthikeyan

For Respondent : Mr. C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to call for the records pertaining to the impugned summons issued by the respondent herein in C.No.312 (A Party 1)/DC/L&O/Crime/Traffic/TPC/2016, dated 05.08.2016 and quash the same.

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

3. It is seen that this petition has been filed challenging the show cause notice dated 05.08.2016 issued by the respondent under Section 107 Cr.P.C.

4. This Court would loath to interfere in matters relating to public order. But here, the Executive authorities have issued only a notice to the parties to appear before them for furnishing bond.

5. Mr.G.Karthikeyan, learned counsel appearing for the petitioner submitted that had the Executive Magistrate been aware of the order passed by the First Bench of this Court in W.P.No.15613 of 2014 dated 16.06.2016, he would not have issue the show cause notice.

6. In the considered opinion of this Court, it is too preposterous of this Court to come to the conclusion that the Executive Magistrate would not have issued the show cause notice if the said order had been placed before him. It is for the petitioner to appear before the Executive Magistrate and show cause as to why

he need not have furnish a bond. Hence, This petition is dismissed with liberty to the petitioner to go with an advocate of his choice and present the case before the Executive Magistrate, who shall hear them and pass orders in accordance with law. Consequently, connected miscellaneous petitions are closed.

12.08.2016

sms

To

- 1.The Executive Magistrate and
Deputy Commissioner of Police,
(L&O, Cr. & Traffic)
Tiruppur City, Tiruppur.
- 2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH,J.

sms

Crl.OP No.17944 of 2016
and
Crl.MP.Nos.8530 & 8531 of 2016

12.08.2016