

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.18390 of 2016

and

CrI.MP.No.8686 of 2016

Sheik Hameed

..Petitioner

Vs

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

2. The Inspector of Police,
15 Velampalayam Police Station,
Tiruppur.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the impugned proceedings on the file of the 1st respondent dated 11.08.2016.

For Petitioner : Mr.I.Koswer Nissar

For Respondents : C.Emalias
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records and quash the impugned proceedings on the file of the 1st respondent dated 11.08.2016.

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

3. On a reading of the notice issued under Section 111 Cr.P.C, it is seen that the Executive Magistrate has initiated proceedings against the petitioner under Section 107 Cr.P.C. and has directed the petitioner to appear before him on 11.08.2016 at 17.00 hours to show cause, challenging which, the petitioner is before this Court.

4. Mr.I.Kowser Nissar, learned counsel for the petitioner submitted that the proceedings of the Executive Magistrate is in relation with good behaviour but whereas, Section 107 Cr.P.C deals with maintenance of peace and therefore, the summons should be quashed.

5. In the considered opinion of this Court, the Executive Magistrate has not passed any final order. He has issued only a show cause notice. It is needless to state that the petitioner can appear before the Executive Magistrate with an Advocate of his choice and present the case before him. If final order is passed, the same is challengeable in the manner known to law.

Under such circumstances, this Court does not find any infirmity in the order passed by the Executive Magistrate. Hence, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

18.08.2016

kmi/sms

To

1. The Executive Magistrate &
Deputy Commissioner of Police (L & O),
(Cr & Tr) Tiruppur City, Tiruppur.
2. The Inspector of Police,
15 Velampalayam Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

kmi/sms

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