



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL OP(MD)Nos. 11753 and 11754 of 2017

Ajeesh :Petitioner in CRL OP(MD)No.11753 of 2017
Robi @ Mohanakumar : Petitioner in CRL OP(MD)No.11754 of 2017
Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

: Respondents in both case

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of the Criminal Procedure Code, to direct the respondent police not to harass the petitioners under the guise of execute bond under section 110 of Criminal Procedure Code.

For all Petitioners : Mr.S.C.Herold Singh
For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.Side)

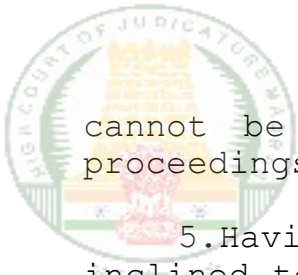
COMMON ORDER

These Criminal Original Petitions have been filed, directing the respondent police not to harass the petitioners under the guise of execute bond under section 110 of Criminal Procedure Code.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the respondents.

3.The petitioners themselves have admitted that the second respondent making an effort to get a bond under Section 110 of Cr.P.C. It is further stated that the petitioners are neither habitual offenders nor disturbed the public peace and that therefore the respondents cannot initiate proceedings under Section 110 of Cr.P.C. interfering with the right of the petitioners.

4.The learned Government Advocate, however, stated that the petitioners were not put under any harassment. It is only to protect the public peace, it is stated that the respondents have initiated action under Section 110 of Cr.P.C., and that only after following the procedure, the petitioners will be issued with a show cause notice as contemplated under Section 110 of Cr.P.C. There



cannot be an injunction by this Court, at this stage when no proceedings under Section 110 of Crl.P.C.

5. Having regard to the said circumstances, this Court is not inclined to grant any relief to the petitioners except stating that the respondents are at liberty to proceed against the petitioners either under Section 110 of Cr.P.C. or any other provisions after satisfying the requirements of Section 111 of Cr.P.C. or other provisions of Cr.P.C., as applicable to the petitioners.

6. It is to be noted that the respondent police have no power to initiate action under Section 110 Cr.P.C. It is only the Executive Magistrate, who is empowered to initiate action. However, one of the requirements for initiating action under Section 110 of Cr.P.C, by issuing a show cause notice, is the report of the police or information with regard to any breach of peace or other circumstances warranting action under Section 110 r/w 111 of Cr.P.C.

7. With the above observations, these Criminal Original Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Kollencode Police Station, Kanyakumari District.

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

+2cc to Mr.S.C.HEROLD SINGH Advocate in SR. No. 77499,77500

CMR/IS

JS/KK/SAR.4/6.10.2017/2P-6C

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