



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P. (MD) .No.16270 of 2017

and

Crl.M.P. (MD) .Nos.10779 & 10780 of 2017

S.Raja @ Parthiparaja

... Petitioner

-Vs-

1. The State Rep.by,
The Sub-Divisional Magistrate Cum Sub-Collector,
Cheranmahadevi,
Tirunelvelii District.

2. The Inspector of Police,
Veeravanallur Police Station,
Veeravanallur.
(Crime No.187 of 2017)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records of the proceedings initiated by the Sub Divisional Magistrate cum Sub Collector, Cheranmahadevi, Tirunelveli District M.C.34 of 2017 dated 25.10.2017 and quash the same.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.S.Durai Pandian,
Additional Public Prosecutor.

O R D E R

This petition has been filed to call for the entire records of the proceedings initiated by the Sub Divisional Magistrate cum Sub Collector, Cheranmahadevi, Tirunelveli District M.C.34 of 2017 dated 25.10.2017 and quash the same.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petition is filed for quashing the M.C.No.34 of 2017 on the file of the Sub Divisional Magistrate cum Sub Collector,

Cheranmahadevi, Tirunelveli District.

4.The first respondent has issued show cause notice under Section 107 of Cr.P.C by the impugned notice dated 25.10.2017. The petitioner is called upon to show cause why he should not be asked to furnish security bond and two sureties which should be in force for a period of six months under Section 117 of Cr.P.C,. The first respondent has categorically referred to three criminal complaints which were registered before the Veeravanallur police Station and in fact one of the respondent in the proceedings is stated to be a history sheeter.

5.The learned counsel for the petitioner would submit that the complaint which was registered in Crime No.189 of 2015 was quashed by this Court on the basis of the compromise that was entered into between the de-facto complaint and the accused in the said case.

6.It was further suggested that the first respondent has not conformed the information that was furnished to the first respondent by the police. No enquiry is contemplated by the first respondent when he receives the information from the police. The enquiry will be conducted only after issuing the show cause notice. It is open to the petitioner to raise all his objection including the order passed by this Court or any other forum to show that the information furnished by the second respondent to the first respondent is improper or false.

7.The next submission by the learned counsel for the petitioner is by referring to the judgment of learned Single Judge of this Court wherein this Court has quashed the First Information Report which was registered under Sections 107 to 110 Cr..P.C. This Court has repeatedly held that no case need to be registered under Section 107 Cr.P.C as Section 154 Cr.P.C contemplates registration of complaint only if a cognizable offence is made out.

8.The judgment relied upon by the petitioner is not applicable in this case as the show cause notice impugned by the Executive Magistrate under Section 107 of Cr.P.C can not be quashed. That it is not the proposition suggested by this Court in the judgment cited by the petitioners.

9.Considering all, this Court finds no merits in this petition. Therefore, this petition is dismissed. Consequently, connected Miscellaneous Petitions CrI.M.P.(MD)No.10779 of 2017 and CrI.M.P.(MD)No.10780 of 2017 are closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/



To

1. The Sub-Divisional Magistrate Cum Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Inspector of Police,
Veeravanallur Police Station,
Veeravanallur.

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

DSS

TE/KK/SAR-4 : 12/04/2018 : 3P/4C

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