



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P (MD) No.17202 of 2017

and

CRL.M.P. (MD) Nos.11279 & 11280 of 2017

1. Ganesan
2. Vijaya
3. Amutha
4. Mariyammal
5. Karthick

... Petitioners/'B' Party

Vs.

1. The State represented by,
The Sub Divisional Magistrate cum Sub Collector,
Thoothukudi,
Thoothukudi District.

... 1st Respondent /Respondent

2. The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.347 of 2017)

... 2nd Respondent/Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Aal-Cr.P.C./361/2017 on the file of the learned Sub Divisional Magistrate cum Sub Collector, Thoothukudi, Thoothukudi District, dated 07.11.2017 and to quash the proceedings initiated against the petitioners.

For Petitioners	: Mr.A.Thiruvadi Kumar
For Respondents	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for quashing the Show Cause Notice in Aal-Cr.P.C./361/2017, dated 07.11.2017 issued by the learned Sub Divisional Magistrate cum Sub Collector, Thoothukudi District, under Section 107 of Cr.P.C.



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

3. Though the impugned notice was issued under Section 107 of Cr.P.C., the notice in the present form does not satisfy the ingredients of Section 111 of Cr.P.C. Except the information regarding law and order and registration of the complaint by the police, the nature of security sought for by the petitioner is not indicated in this notice. Hence, this notice does not satisfy the requirements of law and the same is liable to be quashed.

4. Hence, the Criminal Original petition is allowed and the Show Cause Notice in Aal-Cr.P.C./361/2017, dated 07.11.2017 issued by the learned Sub Divisional Magistrate cum Sub Collector, Thoothukudi District/first respondent is quashed. However, it is open to the first respondent to issue fresh notice in accordance with law strictly satisfying the requirements of law as prescribed under Section 111 of Cr.P.C. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Divisional Magistrate cum Sub Collector,
Thoothukudi,
Thoothukudi District.
2. The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.A.Thiruvadi Kumar, Advocate Sr.No.92735

PMU
VB/GT/SAR3/19/01/2018/2P/5C

CRL.O.P (MD) No.17202 of 2017 and
CRL.M.P. (MD) Nos.11279 & 11280 of 2017
14.12.2017