



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.07.2017

CORAM:

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

CRL.O.P.(MD)No.8928 of 2017

and

CRL.MP(MD)No.6030 & 6031 of 2017

- 1.Esakkithevar
- 2.Esakkimuthu @ Durai
- 3.Ganapathy Thevar
- 4.Suriya @ Pitchai
- 5.Pattunathan
- 6.Ramganesh
- 7.Paraman
- 8.Kannaiah
- 9.Sundar
- 10.Manikandan

: Petitioners/Accused Nos.1 to 10

-Vs-

- 1.The State rep by
The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.
(Crime No.150 of 2017)

: Respondent/Complainant

- 2.B.Ayyappan
Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.

: Respondent/De-facto

Complainant

- 3.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

: Respondent/Respondent

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to Call for the Records impugned proceedings vide Na.KA.NO.A2/C.C/11/2017 dated 07.06.2017 on the file of the Learned Sub Divisional Magistrate /Revenue Divisional Officer, Tenkasi, Tirunelveli District having been initiated u/s. 107 of Cr.P.C in pursuance of the FIR dated 30.05.2017 bearing cr NO. 150/2017 on the file of the Inspector of police Alangulam Police Station Tirunelveli dist and subsequently quash the same as illegal erroneous and devoid of merits.



For Petitioners : Mr.S.Palanivelayutham
For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.Side)

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ORDER

This petition is filed against the initiation of a proceeding under Section 107 r/w 111 of Cr.P.C. by the 3rd respondent vide Na.Ka.No.A2/C.C./11/2017, dated 07.06.2017 pursuant to the First Information Report dated 30.05.2017 in Crime No.150 of 2017 on the file of the Inspector of Police, Alangulam Police Station, Tirunelveli District.

2.The impugned proceeding is nothing but a show cause notice issued under Section 107 r/w 111 of Cr.P.C. The show cause notice only indicate that a few members of a community are given this show cause notice as to why they should not be directed to execute security bond under Section 107 r/w 111 of Cr.P.C.

3.The learned counsel appearing for the petitioners submits that the petitioners are not involved in any criminal case as no criminal case is registered against any one of them. The provision under Section 107 Cr.P.C are meant to preserve the public peace and communal harmony. The enquiry is for the purpose of preventing breach of peace. In this case, on the basis of the report of the police, the proceedings were initiated under Section 107 of Cr.P.C. The petitioners are referred to as "A" Party. Since the problem or quarrel is between two communities, it is required in the interest of public to name the prominent persons in the village representing the community so as to prevent public peace. Hence, there is no substance in the argument of the learned counsel appearing for the petitioner. Further, the impugned proceeding is only a show cause notice. The ingredients for invoking Section 107 and Section 111 are evident. Unless it is shown that the authority who issued has no jurisdiction, this Court cannot interfere with the notice at this stage. Hence, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petitions are closed.

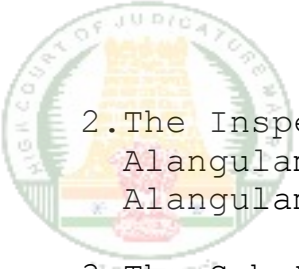
Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Alangulam Police Station,
Alangulam, Tirunelveli District.



2.The Inspector of Police,
Alangulam Police Station,
Alangulam, Tirunelveli District.

3.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

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

+1cc to Mr.S.PALANI VELAYUTHAM Advocate in SR. NO.68572

SRM/LS

JS/MR.KKR/SAR.4/7.8.2017/3P-6C

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