



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD) Nos.9 & 86 of 2017**Crl.O.P. (MD) No.9 of 2017:-

- 1.Ravichandran, S/o.Paramasivathevar
- 2.Subaiah, S/o.Veerapakuthevar
- 3.Prapakar, S/o.Kumarasamy
- 4.Muthukumar, S/o.Kumarasamy
- 5.Rajakutti (Arunkumar), S/o.Annamalai
- 6.Aravinth, S/o.Annamalai
- 7.Srirangam, S/o.Balasubramanian
- 8.Esakki, S/o.Arumugathevar
- 9.Balu, S/o.Arumugathevar
- 10.Madasamy, S/o.Maharajathevar ... Petitioners/Respondents

-vs-

The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District. ... Respondent /Petitioner
[Crime No.221/2016]

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in M.C.No.32 of 2016 on the file of the Sub-Divisional Magistrate-cum-Sub Collector, Cheranmadevi, and quash the order passed under Section 111 Cr.P.C., dated 15.12.2016.

For Petitioners : Mr.R.Ramachandran

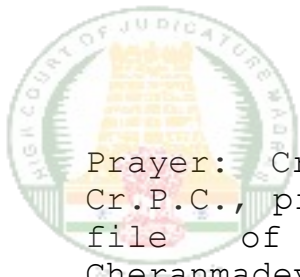
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)Crl.O.P. (MD) No.86 of 2017:-

- 1.Deva, S/o.Ravi @ Ramaiya
- 2.Andaperumal, S/o.Pitchakannu Thevar
- 3.Paramasivan, S/o.Pitchakannu Thevar ... Petitioners/Respondent
Nos.8, 10 & 11

-vs-

The Inspector of Police,
Veeravanallur Police Station,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli District.
[Crime No.220/2016]

... Respondent /Petitioner



Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in M.C.No.31 of 2016 on the file of the Sub-Divisional Magistrate-cum-Sub Collector, Cheranmadevi, and quash the order passed against the petitioners, dated 15.12.2016.

For Petitioners : Mr.B.Thangamani

For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

C O M M O N O R D E R

These petitions have been filed to call for the records in M.C.Nos.32 and 31 of 2016 on the file of the Sub-Divisional Magistrate-cum-Sub Collector, Cheranmahadevi, and quash the order passed against the petitioners, dated 15.12.2016.

2.Heard Mr.R.Ramachandran, learned counsel appearing for the petitioners in Crl.O.P.(MD)No.9 of 2017 and Mr.B.Thangamani, learned counsel appearing for the petitioners in Crl.O.P.(MD)No.86 of 2017 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the respondent. Mr.M.Antony Savari Muthu, Special Sub-Inspector of Police, Veeravanallur Police Station, Tirunelveli District, is present.

3.In these petitions, the petitioners challenging the proceedings, dated 15.12.2016, initiated by the Executive Magistrate-cum-Revenue Divisional Officer, Cheranmahadevi, under Section 107 Cr.P.C.

4.The learned counsel for the petitioners submitted that the Executive Magistrate has visited the place of occurrence and thereafter, initiated the proceedings, which is illegal. They also submitted that the Revenue Divisional Officer, is not an Executive Magistrate. In the considered opinion of this Court, both the grounds are not sustainable, because nothing prevents the Executive Magistrate by going to the place of occurrence before satisfying himself about the fact of breach of peace for initiating proceedings under Section 107 Cr.P.C. In the State of Tamil Nadu, the Revenue Divisional Officer is an Executive Magistrate. That apart, the Executive Magistrate has only issued show cause notice calling upon the petitioners to show cause as to why they should not be ordered to execute a bond for keeping peace for a specified period.

5.A Division Bench of this Court in **M.Krishnamurthy and others Vs. The Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Krishnagiri and another** reported in 2017 (1) MWN (Cr.) 199 (DB), has clearly laid down the parameters under which a show cause notice under Section 107 Cr.P.C. can be challenged. In the considered



opinion of this Court, the facts involved in this case does not fall within the parameters laid down in the said decision.

6. In the result, these petitions are devoid of merits and the same are dismissed, with liberty to the petitioners to appear before the Executive Magistrate, with an Advocate of their choice and present their case. Any observation made herein is only for the limited purpose of deciding the present petitions and in no manner cause prejudice to the parties.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Sub-Divisional Magistrate-cum-Sub Collector,
Cheranmahadevi.
2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Smn2
AE/KP/SAR4/28.04.2017/3P/4C

Common order in
Cr1.O.P. (MD) Nos.9 & 86 of 2017
06.04.2017