



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CrI.O.P. (MD) .No.9775 of 2017

and

Cr.M.P. (MD) .Nos.6670 and 6671 of 2017

1. S.Thoppilan Kumar

2. T.Rajeswari

... Petitioners/Petitioners

Vs.

1.The Sub-Divisional Executive Magistrate
and Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The State represented by,
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(Crime No.70/2016)

... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in Ku.Va.No.100(8701) 2016, dated 30.01.2017 of the 1st respondent herein and quash the same.

For Petitioners : Mr.S.Jayakumar

For Respondents : Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

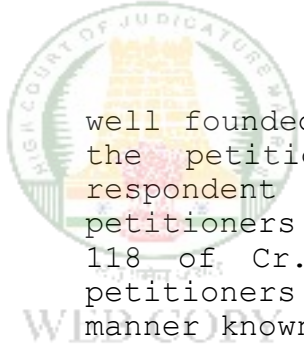
The petition has been filed to call for the records and quash the proceedings in Ku.Va.No.100(8701)2016, dated 30.01.2017 of the first respondent, which is only a show cause notice under Section 107 read with 111 Cr.P.C. to the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI. Side) for the respondents.

3.The learned counsel for the petitioners submitted that the petitioners are not involved in any offence in Crime No.70 of 2016 and that there is no connection between the case in Crime No.70 of 2016 and the cases in Crime No.40 and 41 of 2016, on the file of the second respondent. From the impugned proceedings, it is seen that there is a dispute between two parties and that there is likelihood of law and order problem. The Sub Collector entertained the petition only on the basis of the report of the second respondent police.

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

4. In such circumstances, this Court is satisfied that the order is



well founded. Since the impugned proceedings is only a show cause notice, the petitioners can submit their explanation. Even if the first respondent is convinced that the information received against the petitioners are not true, appropriate orders will be passed under Section 118 of Cr.P.C. If an adverse order is passed, it is open to the petitioners to take appropriate steps to quash the proceedings in the manner known to law.

5. With such observation, this Court find no merits in this petition. Hence, this Criminal Original Petition is **dismissed**. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Divisional Executive Magistrate
and Revenue Divisional Officer,
Devakottai,
Sivagangai District.
2. The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.JAYAKUMAR, ADVOCATE IN SR No. 68460

PJL

TE/KP/SAR-II : 03/08/2017 : 2P/5C

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