



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.(MD) No.607 of 2017

and Crl.M.P.(MD) Nos.6824 and 6825 of 2017

WEB COPY

1.Shahul Hameed

2.Nasar

3.Shanthu Mohamed

4.Haisar Ali

5.Mohamed Ali

: Petitioners/A Party

Vs.

1.The Sub Divisional Magistrate cum Sub Collector,
O/o. The Sub Divisional Magistrate cum Sub Collector,
Palani,
Dindigul District.

2.The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

(Crime No.315 of 2015)

: Respondent 1 & 2/Complainant

3.Kanagaraj

4.Ramachandran

5.Jegan

6.Swaminathan

7.Balan

: Respondents 3 to 7/B Party

PRAYER: Revision filed under Section 397 r/w 401 of Cr.P.C.,
praying to call for the records pertaining to the proceedings in
Na.Ka.No.5010/17/A7 dated 17.07.2017 on the file of the Respondent
No.1 and quash the same as illegal.

For Petitioners

: Mr.S.M.A.Jinnah

For Respondents 1 & 2

: Mr.C.Mayilvahan Rajendran

Additional Public Prosecutor

ORDER

This revision has been filed against the notice issued under
Section 111 Cr.P.C., directing the parties to appear for an
enquiry and to explain why order should not be issued under
Section 107 Cr.P.C.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The grievance of the petitioners is that the Executive
Magistrate clubbed both 'A' and 'B' Party in the preliminary order
and asked them to appear before him on the same date, which is not

permissible in law.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents 1 and 2.

4. Now, it is settled proposition of law that proceedings in Section 107 and 111 Cr.P.C. both 'A' party and 'B' party should not be clubbed together.

5. In the above circumstances, this Criminal Revision case is allowed and the proceedings of the first respondent in Na.Ka.No.5010/17/A7 dated 17.07.2017 is set aside. The first respondent is at liberty to proceed afresh in accordance with law. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To

1. The Sub Divisional Magistrate cum Sub Collector,
O/o. The Sub Divisional Magistrate cum Sub Collector,
Palani,
Dindigul District.

2. The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

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

+1cc to Mr.S.M.A.Jinnah, Advocate, SR.69469

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31.07.2017

SJ

KK/JC/SAR1-21.08.2017-2P-5C