



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.2776 of 2016

and

Crl.M.P. (MD) No. 1146 of 2016

Sulaiman Sait

: Petitioner/Accused - 6

Vs.

1.The Second Class Administrative Magistrate/Tahsildar,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Earvadi Tharka Police Station,
Earvadi,
Ramanathapuram District.

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in Na.Ka.No. A3/15600/2014 (M.C.No.70/2014) dated 22.07.2014 in connection with crime No.57 of 2014 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner :: Mr.D.Balamurugapandi

For Respondents :: Mr.K.Anbarasan

Government Advocate (Crl.side)

O R D E R

During the general elections to the Parliament, two groups of Tamil Nadu Dowhith Jamath were quarrelling with each other and, therefore, the police apprehended that there may be breach of peace. Therefore, Earvadi Tharka Police registered a case in Crime No.57 of 2014 under Section 107 of the Code of Criminal Procedure and referred the matter to the Second Class Administrative Magistrate -cum- Tahsildar, Ramanathapuram, for initiating proceedings against members of the two groups including Sulaiman Sait, the petitioner herein. When Sulaiman Sait applied for renewal of passport bearing No.B0702266 his passport application was rejected on the ground of pendency of the aforesaid case against the petitioner. Therefore, the petitioner has filed the present quash application to quash the proceedings of the Magistrate under Section 107 of Code of Criminal Procedure.



2. Today, when the matter was taken up for hearing, Mrs.S.Sathiya Prabha, Inspector of Police, Earvadi Tharka Police Station is present in Court. On instructions, the learned Government Advocate (Criminal side) submitted that the police apprehended the breach of peace during the Parliament election in the year 2014 and at present, there is peace prevailing in the area and, therefore, the police themselves have addressed a communication on 30.12.2016 to the First Class Administrative Magistrate -cum- Tahsildar, to close 107 Cr.P.C., proceedings.

3. On a reading of the notice dated 22.07.2014, issued by the Second Class Administrative Magistrate -cum- Tahsildar, it is seen that the petitioner was called upon to execute a bond for a period of one year. Now, we are in the year 2017 and on account of efflux of time the bond, if any, executed before the Magistrate Would have become infructuous, especially, in view of the fact that the peace prevails in the area.

4. Ergo, the proceedings in Na.Ka.No.A3/15600/2014 (M.C.No.70/2014) dated 22.07.2014 in connection with Crime No.57 of 2014, on the file of the Second Class Administrative Magistrate -cum- Tahsildar, cannot be a ground for refusing passport/travel document to the petitioner by the Passport Authorities.

5. In view of the above, this Criminal Original Petition is dismissed as infructuous. Consequently, the connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(AD-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Second Class Administrative Magistrate/Tahsildar,
Ramanathapuram, Ramanathapuram District.

2.The Inspector of Police,
Earvadi Tharka Police Station,
Earvadi, Ramanathapuram District.

3.Regional Passport Office,
Race Course Road, Madurai-625 002.

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

+1 CC TO MR.D.BALAMURUGAPANDI, ADVOCATE,SR NO.55515

TA/SML

MAS/SV-MMS/SAR3:11.05.2017:2P-6C