

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.07.2018
Pronounced on : 06.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19348 of 2011
and
M.P.No.1 of 2011

R.Mohan,
S/o.D.T.Rangararamanuja Reddiar. Petitioner

Vs.

1.State of Tami Nadu,
Rep. by the District Superintendent of Police,
Tirupur.

2.The Inspector of Police,
Dharapuram,
Dharapuram Circle,
Tirupur District.

3.The Executive Magistrate and
Revenue Divisional Officer,
Dharapuram,
Tirupur District.

4.Chinnathambi @ Palaniappan,
S/o.Appachi Nadar,
No.21, Chikkinapuram,
Dharapuram Taluk,
Tirupur District.

5.Rajamani,
S/o.Late Palaniappan.

6.Velusamy,
S/o.Meenakshi Devar.

7.Subramani,
S/o.Nachimuthu Nadar.

8.Ragupathi,
S/o.Pachiappan,
Taluk Secretary,
Communist Party of India,
Dharapuram Taluk,
Erode District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in the impugned proceedings in M.C.No.2/2011/E on the file of the third respondent Executive Magistrate/Revenue Divisional Officer, Tiruppur and to quash the same.

For Petitioner : No appearance

For R1 to R3 : Ms.V.Saratha Devi,
Government Advocate [Crl.Side]

For R4 to R8 : Not ready in notice

O R D E R

The petitioner has filed the above quash petition to quash the proceedings in M.C.No.2/2011/E dated 08.07.2011 of the Sub-Divisional Magistrate, Dharapuram.

2.The petitioner is a Member of the "A" Party. This proceedings was initiated on receipt of information from the Inspector of Police, Dharapuram, who had registered a case in Crime No.484 of 2011 against the petitioner and others as "A" Party and Chinnathamby and others as "B" Party, on receiving information from the second respondent that there is a likelihood of breach of peace and disturbance of public tranquillity and to curb disruption activities and to maintain law and order, the petitioner and others were called upon to execute a bond for Rs.5,000/- for a period of one year for keeping peace.

3.The case was admitted and notice was ordered on 17.08.2011. Thereafter, this Court had ordered private notice to be taken to the respondent other than the public servants, despite the order of this Court no notice has been taken. Thereafter, none appeared on behalf of the petitioner, despite the case was posted under the caption "For dismissal".

4.This Court on the submission of the learned Government Advocate, who represents R1 to R3 and on perusal of the materials, proceed to dispose of the case on merits. It could be seen that there have been Civil cases pending between "A"

Party and "B" Party over the rights of cultivation in Survey Nos.636/1, 636/1A, 636/2 and adjoining survey numbers in Thalaivaipattinam Village and there have been civil suits pending against both the rival groups, who have been arrayed as "A" Party and "B" Party. It is submitted by the learned Government Advocate that now peace and tranquillity is prevailing in the village.

5.Further, it could be seen that the order passed by the third respondent is under Section 107 of the Code of Criminal Procedure as per Section and as it could be seen from the order, the bond for Rs.5,000/- to be executed by both "A" Party and "B" Party is for a period of one year and this order came to be passed on 11.07.2011. In view of the above, the purport and the validity of the order is now not in force. In view of the above nothing survives in the Criminal Original Petition.

6.Hence, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Superintendent of Police,
Tirupur.

2.The Inspector of Police,
Dharapuram,
Dharapuram Circle,
Tirupur District.

3.The Executive Magistrate and
Revenue Divisional Officer,
Dharapuram,
Tirupur District.

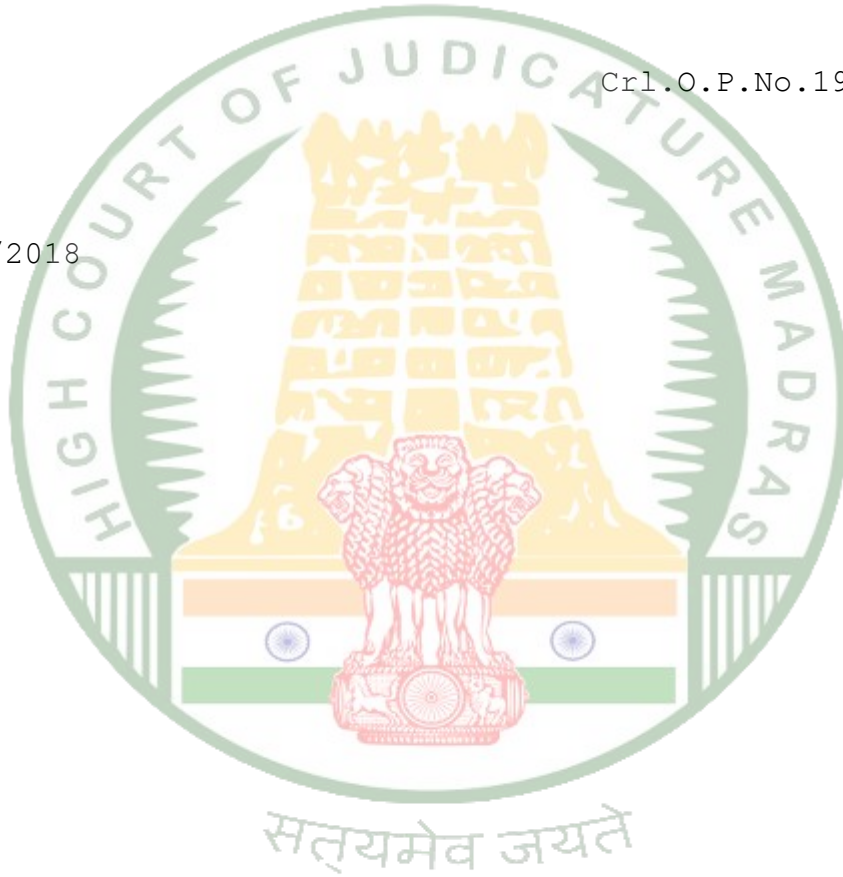
4.The Public Prosecutor,
High Court, Madras.

Copy to

The Section Officer,
Criminal Section (Records)
High Court, Madras.

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