

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25699 of 2018  
and CRL.M.P.No.14654 of 2018

1.A.Rajivagandhi  
2.S.Ravichandran

... Petitioners/1<sup>st</sup> & 3<sup>rd</sup> in B-Party

Vs

1.The Sub Divisional Magistrate cum,  
Revenue Divisional Officer,  
Tirukoilur - 605757, Villupuram District.  
(Na.Ka.No:A3/5196/2018, Proceedings  
Under Section 107 of Cr.P.C).

2.The Inspector of Police,  
Thiruvennainallur Police Station,  
Thiruvennainallur - 607203,  
Villupuram District.

3.Palani  
4.Prabhu

5.Amirthalingam

... Respondents/Respondents

Criminal Original Petition filed under Section 482 of  
Cr.P.C., praying to call for the records of M.C.No.5 of 2018  
dated 03.09.2018 on the file of the 1<sup>st</sup> respondent and quash the  
same.

For Petitioners : Mr.T.K.Saravanan

For R1 and R2 : Mrs.M.Prabavathi, APP

ORDER

On account of the law and order issue, the first respondent  
has issued a show cause notice dated 03.09.2018 to the  
petitioners under Section 111 Cr.P.C., challenging which, the  
petitioners are before this Court.

2.Heard Mr.T.K.Saravanan, learned counsel for the  
petitioners and the learned Additional Public Prosecutor.

3.Learned counsel for the petitioner submitted that the show cause notice is beyond jurisdiction of the first respondent and therefore, the same has to be quashed.

4.The Division Bench of this Court in M.Krishnamurthy Vs. The Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri [(2017) 1 CTC 680] has set out the parameters for quashing the show cause notice issued under Section 107 Cr.P.C. r/w 111 Cr.P.C, wherein, in paragraph No.23, it is held as follows:

"23.In our view, a show cause order under Section 107 r/w 111 can be subjected to judicial review under Section 482 Cr.P.C. or Article 226 of the Constitution of India, if on the face of it, the order does not satisfy the minimum requirements of Section 111 or that the same has been passed by a person who is not an Executive Magistrate and not otherwise. In other words, if the order does not contain the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required, only then, can the High Court interfere and not otherwise. Factual adjudication of the satisfaction expressed by the Magistrate is ruled out in view of the decision of the Supreme Court in Union of India Vs. Vicco Laboratories [(2007) 13 SCC 270]."

5.In this case, in the show cause notice, the first respondent has stated the amount of bond, the period of bond and it cannot be stated that the same is vitiated. It is always open to the petitioners to appear before the first respondent with an Advocate of their choice and give reply to the show cause notice.

Hence, this petition is devoid of merits and is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.The Sub Divisional Magistrate cum,  
Revenue Divisional Officer,  
Tirukoilur - 605757, Villupuram.

2.The Inspector of Police,  
Thiruvannainallur Police Station,  
Thiruvannainallur - 607203,  
Villupuram District.

3.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.T.K.Saravanan, Advocate sr.no.75759

CRL.OP.No.25699 of 2018

ca(co)  
nr 28/11/2018



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