



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.R.C.(MD).No.349 of 2018

and

Crl.MP(MD)No.4849 of 2018

- 1.Maria Michel
- 2.Selvaraj
- 3.Ujin @ Ujin Arul
- 4.Devaraj Singh
- 5.Selvin

...Petitioners

Vs.

- 1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 2.Sub-Divisional Magistrate
Cum Sub Collector,
Padmanabhapuram,
Kanyakumari District.

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 (1) r/w 401 of Cr.P.C, to call for the records and to quash the order passed in A2/MC13/2018 dated 23.06.2018 on the file of the Sub-Divisional Magistrate Cum Sub Collector, Padmanabhapuram/the second respondent.

For Petitioners :Mr.S.C.Herold Singh

For respondents :Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition is filed against the order passed by the learend Sub-Divisional Magistrate Cum Sub Collector, Padmanabhapuram in A2/MC13/2018 dated 23.06.2018.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioners and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents.

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

3. There is some dispute pertaining to boundaries in Karangadu Pulluvilai Village among two groups of people, which leads to attack



by both parties. During the festival time, there are so many problems arising between them. There are some cases pending against both groups of people. Under such circumstances, the respondent registered a case in Crime No.292 of 2018, for the offences punishable under Section 107 of Cr.P.C. The second respondent passed an order to show cause why the petitioner could not be called upon to execute a bond under Section 111 of Cr.P.C., to maintain a peace for a period of one year.

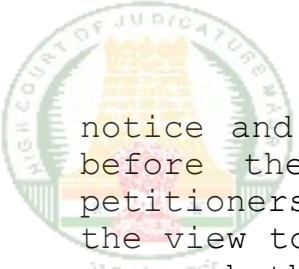
4. On the side of the petitioners, it is stated that the persons, who were no way connected with the earlier cases were also issued with a show cause notice to execute a bond for a period of one year. The petitioners have not committed any offence and there is no law and order problem. The respondent has no authority to register an F.I.R., under Section 107 Cr.P.C. The impugned order does not disclose the date or time of occurrence. There is no complaint from any of the parties. The first respondent suo motu registered a case, when he has no power to register a case. The sanction of the Magistrate for the said act has not been properly stated. No notice or opportunity is given to the petitioner as contemplated under the provision. There is no allegations against the petitioners with regard to the commission of any activities under Section 110 Cr.P.C., and it is prayed that the impugned order to be quashed.

5. It is further stated that the respondent can register the F.I.R., only for a cognizable offence and he could not register a F.I.R., under Section 107 Cr.P.C. It is further stated that the procedures to be followed under Section 107 have not been followed by the second respondent.

6. On the side of the respondent, it is stated that in that Village there is a clash between two groups and whenever there was a festival, the normal life of the people in the locality was affected. There are so many cases registered against both the groups. As thread prevails in that area and there is also a likelihood of a law and order problem between the two groups, an F.I.R., was registered under Section 107 Cr.P.C., and the first respondent/Inspector of Police requested the second respondent, the second respondent to issue a show cause notice to the petitioners. It is further stated that if the petitioners are having any objections, they have to file their objections before the second respondent and they could not approach this Court directly.

7. Records perused. Copy of the F.I.R., reveals that there are two groups of people and number of cases are filed against the persons belonging to both groups. On the side of the petitioner, it is stated that the petitioners are no way connected with the cases stated in the F.I.R.

8. After obtaining permission, an F.I.R., can be registered for a non cognizable offence. The impugned order is only a show cause



notice and the petitioners are at liberty to file their objections before the second respondent. There is no necessity for the petitioners to approach this Court at this stage. This Court is of the view to dismiss the petition. The petitioners are at liberty to approach the second respondent and submit their objections.

9. With the above observations, this Criminal Revision Petition is dismissed. Consequently, CrI.MP(MD)No.4849 of 2018 is closed.

Sd/-
Assistant Registrar (CrI.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Sub-Divisional Magistrate
Cum Sub Collector,
Padmanabhapuram,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court.
Madurai. (2Copies)

+1CC to Mr.S.C.Herold Singh Advocate in SR.No.70682.

DAS
DS/VR/SAR-4 :06.07.2018: 3P/7C

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