



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.14042 of 2018

and

Crl.M.P.[MD].No.6301 of 2018

WEB COPY

- 1.Kalailingam
- 2.Senthil
- 3.Thanakkan
- 4.Srirangam
- 5.Bommi

: Petitioners/'B' Party

Vs.

- 1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Sivagangai, Sivagangai District.

: 1st Respondent

- 2.The Sub-Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.

: 2nd Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to Na.Ka.A2.3913/2018, dated 26.06.2018, on the file of the first respondent and quash the same as illegal.

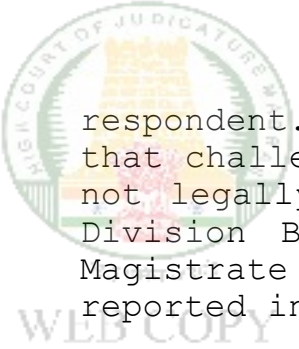
For Petitioners : Mr.S.M.Sanjay
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate [Criminal Side]

ORDER

This criminal original petition has been filed challenging the notice issued by the first respondent under Section 111 of Cr.P.C. calling upon the petitioners to explain the show cause notice as to why he should not be ordered to execute a bond for keeping the peace for a period of one year.

2.The learned counsel for the petitioners would submit that the incident is said to have taken place on 21.10.2017 and the proceedings have been initiated only after ten months from the date of occurrence and therefore the first respondent ought to have determined about the actual situation that is prevailing at the time when the notice has been issued.

3.Per contra the learned Government Advocate appearing for the respondents would submit that the present notice under challenged is only a show cause notice issued to the petitioners. They can very well attend the enquiry and submit their explanation to the first



respondent. That apart the learned Government Advocate would submit that challenge to the notice issued under Section 111 of Cr.P.C., is not legally sustainable. In view of the judgement of the Hon'ble Division Bench in N.Krishnamurthy and Others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and Another reported in (2017) 1 MLJ Criminal, Page 257.

4. This Court has carefully considered the submissions made on either side.

5. There is no ground to quash the show cause notice issued by the first respondent. However there will be a direction to the petitioners to appear before the first respondent within a period of four weeks from the date of receipt of a copy of this order and submit their explanation and the first respondent shall also get the explanation from the "A" party. On completion of enquiry, the first respondent is directed to pass final orders within a period of six weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 2.The Sub-Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.M.Sanjay, Advocate, SR.No. 77776

CrI.O.P.[MD].No.14042 of 2018 and
CrI.M.P.No.[MD].6301 of 2018
09.08.2018

SJI