



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD).No.21130 of 2018
and Crl.M.P. (MD0.No.9769 of 2018

1.Krishnan
2.Malliga
3.Arumugam
4.Dhandapani
5.Karuppusamy
6.Ganesan
7.Subramani
8.Kalimuthu
9.Palanisamy

.. Petitioners/B-Party

Vs.

1. The Sub Divisional Executive Magistrate
cum Sub-Collector, Palani,
Dindigul District.

2. The Inspector of Police,
Palani Town Police Station,
Dindigul District.

.. Respondents 1 & 2/Complainants

Periyathambi (died)

3.Ayyavu Aasari
4.Aswin Venkatraman
5.Janarthanan
6.Jegannathan
7.Balasubramanian

.. 3rd Respondent/B Party

.. Respondents 4 to 7/A Party

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for records relating to the proceedings in Na.Ka.No.6309/2018/A7, dated 23.10.2018 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.D.Venkatesh

For Respondents 1 & 2 : Mr.A.Robinson

Government Advocate (Crl. Side)

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
This petition has been filed seeking to quash the proceedings in Na.Ka.No.6309/2018/A7, dated 23.10.2018 on the file of the 1st respondent.



2.The learned counsel for the petitioner would submit that the second respondent furnished written information before the first respondent arraying four persons as A-Party and six persons as B-Party. The first respondent had initiated proceedings under Section 107 Cr.P.C. He would further submit that the proceedings initiated is not sustainable on the ground that without any application of mind the first respondent has clubbed both parties and bound over them in one and the same proceedings which is not legally permissible. He would also submit that two persons namely Periyathambi and Subburaman have been listed as party No.3 and 13 are no more and that the first respondent had without application of mind included dead persons as Party No.10,14 & 15.

3.The learned Government Advocate (Cr1. Side) would submit that A-Party and B-Party have been bound over in the same proceedings.

4.Therefore, the proceedings in Na.Ka.No.6309/2018/A7, dated 23.10.2018 on the file of the 1st respondent is quashed. However, the first and second respondents are at liberty to initiate proceedings afresh in accordance with law after following due procedure. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Sub Divisional Executive Magistrate
cum Sub-Collector, Palani,
Dindigul District.
2. The Inspector of Police,
Palani Town Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 97737

TM

TE/BK/SAR-4 : 24/12/2018 : 2P/5C