



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.17751 of 2018

and

Cr1.M.P. (MD) No.7866 of 2018

- 1.Muthan
- 2.Samayan
- 3.Chinnathambi
- 4.Sevugamoorthy

...Petitioners/B Party

Vs.

1. The Sub Divisional Magistrate,
cum the Revenue Divisional Officer,
Revenue Divisional Office, Sivagangai.

2. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in pursuant to the first respondent impugned summon, dated 25.06.2018 in Na.Ka.(A2)4004/2018 and quash the same.

For Petitioners	:Mr.G.Jeremiah
For Respondents	:Mr.K.Suyambulinga Bharathi
	Government Advocate (crl. side)

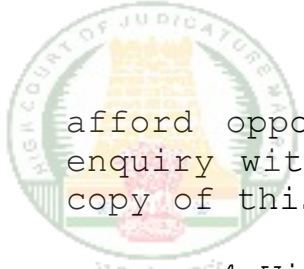
O R D E R

Notice issued by the first respondent under Section 111 of Cr.P.C. has been challenged before this Court. The first respondent has initiated proceedings under Section 107 Cr.P.C. and has issued notice to 'A' Party and 'B' Party.

2.This Court in a judgment in **N.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another** reported in **(2017) 1 MLJ, Criminal, Page 257**, has held that a petition under Section 482 Cr.P.C. is not maintainable, when a challenge is made to a show cause notice. Therefore, the present Criminal Original Petition is not maintainable since it challenges the show cause notice issued by the first respondent.

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

3.The petitioners are directed to submit their explanations before the first respondent. The first respondent is directed to



afford opportunity to all the parties concerned and complete the enquiry within a period of one month from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

SD

ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

To

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

1CC TO MR. J. JOHN, ADVOCATE SR NO.88898

Ls

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