



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.14054 of 2018

and

Crl.M.P.[MD].Nos.6307 and 6308 of 2018

1.Mari
2.Karuppasamy
3.Mariappan
4.Thirumalai @ Velaiyan
5.Krishnan
6.Madasamy @ Velladurai

: Petitioners

Vs.

1.The Sub Divisional Magistrate and
Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

2.The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

3.Paramasivan

4.Thirumailakumar

5.Ramachandran

6.Kasipandi

7.Muthaiah Thevar

8.Ramar

9.Ramar

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the impugned order in Na.Ka.No.A2/MCB/25/2018 on the file of the Sub Divisional Magistrate and Revenue Divisional Officer, Tenkasi, dated 24.07.2018 and quash the same.

For Petitioners

: Mr.V.Sasikumar

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

For R-1 and R-2

: Mr.K.Suyambulinga Bharathi

Government Advocate [Criminal Side]



ORDER

This criminal original petition has been filed challenging the proceedings initiated by the first respondent under Section 111 of Cr.P.C., wherein the petitioners have been called upon to explain the show cause notice.

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 respondent 1 and 2 would submit that the present notice under challenge 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, this criminal original petition is not maintainable.

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 petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Sub Divisional Magistrate and
Revenue Divisional Officer,
Tenkasi, Tirunelveli District.



2.The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.V.Sasikumar, Advocate SR.No. 78118

Cr1.O.P.[MD].No.14054 of 2018
and
Cr1.M.P.[MD].Nos.6307 and 6308 of 2018
09.08.2018

sj i
JM/SKN RSK/SAR 4/03.09.2018/3P/5C