



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

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Crl.O.P. (MD) Nos.2439 of 2019 and 11190 of 2018
and CRL MP(MD) Nos 5082 and 5083 of 2018 and 1306 of 2019

In Crl.O.P(MD) No.2439 of 2019:

A.Babu @ Rathinavel Pandian ... Petitioner

Vs.

1 Sub Divisional Magistrate and Sub Collector,
Kumbakonam,
Thanjavur Distrit.

2.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in connection with order in M.C.No.108 of 2018-A4 dated 10.05.2018 passed by the first respondent an quash the same as illegal.

In Crl.O.P(MD) No.11190 of 2018:

Athikesavan ... Petitioner/Respondent

Vs.

1 Sub Divisional Magistrate and Sub Collector,
Kumbakonam,
Thanjavur Distrit.

2.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in connection with order in M.C.No.108 of 2018-A4 dated 10.05.2018 passed by the first respondent an quash the same as illegal.

In both petitions:

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioner : Mr.M.Seeni Sulthan
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

**COMMON ORDER**

The petitions have been filed to quash the notices issued by the first respondent in M.C.No.108 of 2019-A4 dated 10.05.2018.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3.The petitioners herein challenge the notices issued on 10.05.2018 under Section 111 Cr.P.C for initiating action under Section 107 Cr.P.C. In CrI.O.P.(MD)No.11190 of 2018, on 12.07.2012, this Court passed an order of interim stay for six weeks. It was not extended thereafter. In CrI.O.P.No.2439 of 2019, this Court has not granted an order of stay.

4.In terms of Section 116(6) Cr.P.C, entire enquiry should have been concluded within a period of six months from the date of Show Cause Notice. Going by these petitions, it is apparent that six months period stipulated under Section 116(6) Cr.P.C has already expired. Even after completion of the said period, no final order has been passed and therefore, no decision can be taken as per earlier notices dated 10.05.2018. Hence, the present notices necessarily have to go. Accordingly, the notices dated 10.05.2018 in both cases are quashed. However, the Executive Magistrate is at liberty to issue fresh notices for initiating action under Section 107 r/w 111 Cr.P.C.

5. In the result, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Deputy Superintendent of Police,
Thiruvidai Marudhur Division, Thanjavur District.
- 2.The Inspector of Police,
Thiruvidai Marudhur Police Station, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Sub Divisional Magistrate and Sub Collector, Kumbakonam,
Thanjavur District.

RR/02.05.2019/2P/5C

**CrI.O.P. (MD)Nos.2439 of 2019
and 11190 of 2018
and CRL MP(MD)Nos5082 and
5083 of 2018 and 1306 of 2019**