



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM:

**THE HONOURABLE MR. JUSTICE N.SESHASAYEE**

**Crl.O.P. (MD) .No.4293 of 2019  
and Crl.M.P. (MD) .No.2600 of 2019**

1.S.Kallathiyan  
2.S.Velmurugan  
3.V.Gopal  
4.S.Nambirajan  
5.P.Gopi  
6.Arumugam  
7.P.Nambiraj  
8.Paulraj

.. Petitioners/Respondents

Vs.

1.The Executive Magistrate Cum  
Deputy Commissioner of Police, (Law and Order),  
Tirunelveli City.

2.The Inspector of Police,  
Tirunelveli Town Police Station,  
Tirunelveli City.  
(LIR No.2/19)

.. Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in EMC.No.18/2019 dated 07.03.2019 pending on the file of the 1<sup>st</sup> respondent and quash the same.

For Petitioners : Mr.R.J.Karthick

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl. Side)

### **ORDER**

The present petition is filed challenging the order passed by the The Executive Magistrate Cum Deputy Commissioner of Police under Section 107 Cr.P.C.

2.The preliminary argument of the learned counsel for the petitioner is the Executive Magistrate has not complied with Section 111 Cr.P.C. This is substantiated by the learned Government Advocate.

3.On perusal of the paper, this Court is also an agreement with statements made by both sides. Accordingly, the order impugned in this petition is quashed. However, if any cause of action still



survives for initiating any action under Section 107 Cr.P.C, the Executive Magistrate is free to go ahead to step to strict compliance of the provisions of the Code of Civil Procedure.

4. Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Executive Magistrate Cum Deputy Commissioner of Police,  
(Law and Order), Tirunelveli City.

2. The Inspector of Police, Tirunelveli Town Police Station,  
Tirunelveli City.

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

+1 CC to M/s.R.J.KARTHICK, Advocate ( SR-55537[F] dated 21/03/2019 )

**Cr1.O.P. (MD) .No.4293 of 2019**

**20.03.2019**

**MSI-08.04.2019/2P-5C**