



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P. [MD]No.5889 of 2019

and

Cr1.M.P. (MD)Nos.3791 and 3792 of 2019

Mariappan : Petitioner

Vs.

1.The Administrative Executive Magistrate /
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City,
Tirunelveli District.

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

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the proceedings in EMC No.214 of 2019 on the file of the first respondent herein dated 11.04.2019 and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar
For R-1 and R-2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to quash the show cause notice in EMC No.214 of 2019 issued by the first respondent under Section 110 Cr.P.C.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) for the official respondents.

3. The learned counsel for the petitioner submits that the notice shall contain the substance and ground based on which action is contemplated by the Executive Magistrate. He also relied upon the order of this Court in the case of **M.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another - [(2017) 1 MLJ (Cr1) 257]**.

<https://hcs.evcses.com/evcses/evcses/evcses/>

4. This Court perused the show cause notice, which is impugned



herein, and is satisfied that the impugned show cause notice does not disclose the substance of the ground for initiating action against the petitioner. Hence, the impugned show cause notice is quashed and the present Criminal Original Petition is allowed. However, if any ground still exists for the Executive Magistrate to initiate action under Section 110 Cr.P.C., he shall issue fresh show cause notice to the petitioner and the same is not barred by the present order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

ta

To

- 1.The Administrative Executive Magistrate /
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City,
Tirunelveli District.
- 2.The Sub Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No. 63469

Cr1.O.P.[MD]No.5889 of 2019
26.04.2019

PM(CO)

TR (08.07.2019) 2P 5C