



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CrI.O.P(MD) No. 6220 of of 2019

and

CrI.M.P.(MD)Nos.4098 and 4099 of 2019

Muthusamy

... Petitioner/Sole Accused

Vs.

1.The Executive Magistrate Cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

... 1st Respondent

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

... 2nd Respondent/Complainant

COMMON PRAYER:- Criminal Original Petition is filed under Section 482 of Cr.P.C to call for records relating to the impugned proceedings initiated by the first respondent vide M.C./281/(107 Cr.P.C)/2019 dated 01.04.2019 and quash the same.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mrs.S.Bharathi
Government Advocate

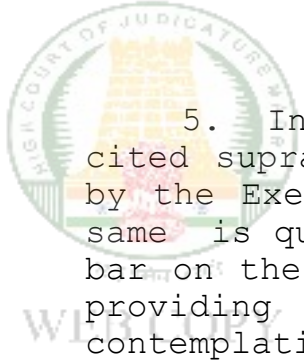
ORDER

This Criminal Original Petition has been filed to quash the proceedings in M.C./281/(107 Cr.P.C)/2019 dated 01.04.2019 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The Executive Magistrate has issued notice directing the petitioner to show cause why the action would not be initiated under Section 107 Cr.P.C. Contrary objection raised by the learned counsel for the petitioner to the notice is that the notice does not give the substance of the information received by the Executive Magistrate to warrant issuance of show cause notice.

4. The learned counsel for the petitioner relied upon the judgment in the case of **M.Krishnamurthy and others vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another [(2017) 1 MLJ (CrI) 257]**.



5. In view of the judgment of the Division Bench of this Court cited supra, the present show cause notice dated 01.04.2019 issued by the Executive Magistrate cannot be sustained. Accordingly, the same is quashed and this petition is allowed. However, there is no bar on the Executive Magistrate to issue a fresh show cause notice providing the substance of the information received for contemplating an action under Section 107 Cr.P.C.. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Executive Magistrate Cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

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

+1 CC to Mr.G.ARAVINTHAN, Advocate SR-63214.

Order made in
Crl.O.P(MD) No. 6220 of of 2019
and
Crl.M.P. (MD)Nos.4098 and 4099 of 2019
26.04.2019

CS: (10/07/2019) 2P 4C