



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.7967 of 2019

and

CrI.M.P. (MD) .Nos.4888 & 4889 of 2019

Palaniyappan

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.State through
the Sub Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(In Crime No.39 of 2019)

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code to call for the records relating to the impugned order in Ku.Va.No.62 of 2019, on the file of the first respondent and quash the same.

For Petitioner : Mr.P.Aju Tagore

For R-1 & R-2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned order in Ku.Va.No.62 of 2019, on the file of the first respondent.

2. The grievance of the petitioner is that the second respondent Police has registered a First Information Report in Crime No.39 of 2019, against the petitioner under Section 110 (e) of the Criminal Procedure Code. Thereafter, the above said First Information Report has been forwarded to the learned Executive Magistrate / first respondent herein. On receipt of the same, the first respondent issued a summon to the petitioner on 29.03.2019 and directed the petitioner to appear before him.

3. The learned counsel appearing for the petitioner would submit that based on the report submitted by the second respondent, the learned Executive Magistrate issued a notice under Section 110 Cr.P.C. to the petitioner herein, pursuant to which, the petitioner appeared before the first respondent on 29.03.2019.



4. On perusal of the notice issued by the learned Executive Magistrate, it is seen that based on the report of the second respondent Police, the learned Executive Magistrate has applied his mind and after being satisfied with the report issued a show cause notice under Section 110 of the Code of Criminal Procedure. I find no irregularity in the notice issued by the learned Executive Magistrate. This Criminal Original Petition stands dismissed accordingly.

5. However, the petitioner is directed to appear before the learned Executive Magistrate and offer an explanation to the show cause notice within a period of two weeks from the date of receipt of a copy of this order, on receipt of explanation, the first respondent is directed to complete the proceedings and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

tsg

To

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Sub Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

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

+1 CC to M/s.P.AJU TAGORE, Advocate (SR-68187[F] dated 12/06/2019)

Order made in

CRL.O.P. (MD) .No.7967 of 2019

Dated: 11.06.2019

ES/27.06.2019/2P/5C