



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.6119 of 2018

and

Crl.M.P.(MD)Nos.2921 and 2922 of 2018

WEB COPY

1.S.Muthukumar

2.K.Chairmandurai

3.M.Kannan

4.Ramachandran

5.Gobi

6.A.Thambidurai

: Petitioners

Vs.

1.The Executive Magistrate-cum-
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City.

2.State,
rep, by the Inspector of Police,
Pettai Police Station,
Tirunelveli City.
(LIR No.2 of 2018)

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the first respondent, vide his proceedings in EMC No.39 of 2018 dated 12.03.2018 and quash the same.

For Petitioner : Mr.M.Karunanithi

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

ORDER

The present petition is filed to quash the order passed under Section 107 Cr.P.C..

2. The Core contention of the petitioner is that without complying with Section 111 Cr.P.C., or 116 Cr.P.C., an order under Section 107 Cr.P.C., has been passed.

3. The learned Government Advocate (Crl.Side) submitted that the Executive Magistrate appears to have lost sight of Section 111 Cr.P.C., and no show cause notice within the meaning of Section 111 Cr.P.C., has been issued.



4. The said statement made by the learned Government Advocate (Crl.Side) is recorded.

5. In view of the above, the proceedings in EMC No.39 of 2018 is quashed and the present criminal original petition is allowed and if there are grounds for initiating any fresh proceedings under Section 107 Cr.P.C., the same is reserved for the Executive Magistrate and he may initiate action under Section 107 Cr.P.C., but he is directed to comply with the provisions under Sections 111 and 116 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-
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City.
- 2.The Inspector of Police,
Pettai Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.KARTHIKEYA VENKATACHALAPATHY, Advocate, SR.No.55371

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20.03.2018

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