



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.10.2019
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.14555 of 2019

and

Crl.M.P (MD) Nos.8822 and 8823 of 2019

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1. R.Alagarpandi
2. Chinnasamy
3. Palanisamy
4. Mariappan
5. Velankani
6. Sakthivel
7. Pandiammal, w/o.Palanisamy
8. Mary
9. Sivagami
- 10.Murugan
11. Pandiammal, w/o.Masanam

... Petitioners/Accused 1,3,4,6
to 10, 12 to 14/'A' Party

Vs

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer
Madurai

2. The Inspector of Police
Samayanallur Police Station
Madurai District

... Respondents 1&2/Complainants

- 3.Peter Krishnan
- 4.JohnSelvam
- 5.Dhas
- 6.Manikandan
- 7.Alagu Meenakshi
- 8.AKP Mani
- 9.Yebinesar
- 10.Rabort
- 11.Devapitchai
- 12.Joseph Arumugam

... Respondents 3 to 12/'B' Party

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the MC No.4713 of 2019 dated 25.07.2019 on the file of the first respondent and quash the same as against the petitioner concerned.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondents : Mr.K.Suyambulinga Bharathi
No.1 and 2 Government Advocate (Crl. side)



ORDER

This Criminal Original Petition has been filed to quash the proceedings in M.C.No. 4713 of 2019 dated 25.07.2019.

2. The learned counsel for the petitioner would submit that the impugned order does not contain the period of bond to be executed by the petitioner. The provision contemplated under Section 111 Cr.P.C. mandates the period of bond to be executed by the parties should be mentioned in the order. He further contended that from 06.08.2019 onwards for more than seven hearings the petitioners appeared before the first respondent and even then one or another reason no enquiry was conducted and enquiry is still pending. Further some of the petitioners are ladies and senior citizens and they could not be drag into unnecessary ordeal enquiry before the first respondent. Therefore he sought for quashing the impugned order.

3. The learned Government Advocate(Crl.Side) would submit that though the order has been passed under Section 111 Cr.P.C by the first respondent to attend enquiry on 06.08.2019, due to administrative reasons the first respondent could not be present on the hearing date.

4. Heard Mr.P.T.Ramesh Raja learned counsel appearing for the petitioners and Mr.K.Suyambulinga Bharathi learned Government Advocate(Crl.Side) appearing for the first and second respondent.

5. It is seen that the order passed under Section 111 Cr.P.C contains all the allegations as mandated by the provision under Section 111 Cr.P.C. The period of bond to be executed by the parties is not mentioned in the order passed by the first respondent. It is made clear that all the other details states the substance of information received, the amount of the bond to be executed is categorically mentioned in the impugned order. After enquiry if necessary parties concerned would be directed to execute a bond for a sum of Rs.50,000/- for such a period. Therefore the term for execution of the bond shall commence only after the enquiry. Hence it is in the premature stage.

6. In the result, the petition is devoid of merits and liable to be dismissed. Consequently connected miscellaneous petitions are closed. However considering the fact that some of the petitioners are ladies and some of the petitioners are senior citizens the personal appearance of petitioners 1,5,7,8,9 and 12 are dispensed with. Further the first respondent is directed to conduct enquiry



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and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer
Madurai
2. The Inspector of Police
Samayanallur Police Station
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.T.RAMESH RAJA, Advocate (SR-92150[F] dated
16/10/2019)

Crl.O.P.(MD)No.14555 of 2019

and

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16.10.2019

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MK (31.10.2019) 3P 5C