



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2019**

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.15747 of 2019
and
Crl.M.P(MD)No.9316 of 2019

- 1.Kannan
- 2.Petchimuthu @ Petchimuthupandian
- 3.Arunachalam
- 4.Kalisamy @ Kalisamy Pandian
- 5.Andavar@ Sankarapandian

...Petitioners

Vs.

- 1.The Sub-Divisional Magistrate Cum Sub-Collector,
Tirunelveli,
Tirunelveli District.

- 2.The Sub-Inspector of Police,
Manur Police Station,
Manur,
Tirunelveli District.
(Crime No.180 of 2019)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings of the first respondent in A5/MC/2019 (107) dated 25.09.2019 and to quash the same in respect of the petitioners alone and to pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

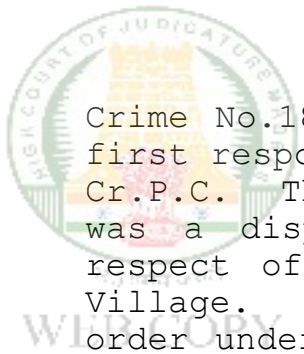
For Petitioners : Mr.N.Pragalathan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

This petition has been filed to quash the proceedings in A5/MC/2019 (107), dated 25.09.2019 on the file of the first respondent as against the petitioners

2. The learned counsel for the petitioner would submit that on 29.04.2019 the second respondent police registered the case in
<https://hcservices.ecourts.gov.in/hcservices/>



Crime No.180 of 2019 and the same was referred to the file of the first respondent for initiating the proceedings under Section 107 of Cr.P.C. The petitioners arrayed as 'A' party in the FIR and there was a dispute between the petitioners and the other groups in respect of conducting temple festival situated in Maruthappapuram Village. On receipt of the same, the first respondent passed an order under Section 111 of Cr.P.C to initiate the proceeding under Section 107 of Cr.P.C. The only ground raised by the petitioner is that without even conducting any enquiry, the first respondent mechanically on receipt of the report submitted by the second respondent passed an order under Section 111 of Cr.P.C. It reads as follows:-

"When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required"

3. On receipt of the report from the second respondent, the first respondent having satisfied with the materials produced by the second respondent, passed an order under Section 111 of Cr.P.C. to initiate a proceeding under Section 111 of Cr.P.C. as against the petitioner. Therefore, the first respondent need not to conduct any enquiry and pass order under Section 111 of Cr.P.C. On appearance of the petitioners only the first respondent conduct enquiry under Section 107 of Cr.P.C. Therefore, this Court finds no merits in this petition and it is liable to be dismissed.

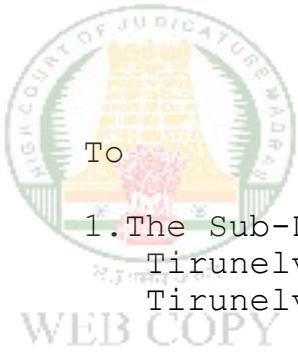
4. Accordingly, this Criminal Original Petition stands dismissed. Considering the age of the petitioners 3 and 4, the personal appearance of the petitioners 3 and 4 is dispensed with before the first respondent. Further, the first respondent police is directed to complete the entire enquiry process within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Sub-Divisional Magistrate Cum Sub-Collector,
Tirunelveli,
Tirunelveli District.

2.The Sub-Inspector of Police,
Manur Police Station,
Manur, Tirunelveli District.

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

CrI.O.P. (MD) No.15747 of 2019
and

CrI.M.P (MD) No.9316 of 2019
31.10.2019

JMN(15.11.2019) 3P : 4C