



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD) Nos.18969, 18972, 18973, 18974, 18977, 18979, 18980,
18983 and 18984 of 2019

and

Crl.M.P.(MD).Nos.11128, 11129, 11130, 11131, 11134, 11135, 11136,
11137 and 11141 of 2019

Crl.O.P.(MD) No.18969 of 2019

Shanmugamoorthi	... Petitioner/Accused in
	Crl.OP(MD) No.18969 of 2019
M.Ravichandran	... Petitioner/Accused in
	Crl.OP(MD) No.18972 of 2019
K.Shankar	... Petitioner/Accused in
	Crl.OP(MD) No.18973 of 2019
P.Dineshkumar	... Petitioner/Accused in
	Crl.OP(MD) No.18974 of 2019
S.Siva	... Petitioner/Accused in
	Crl.OP(MD) No.18977 of 2019
M.Megaraj	... Petitioner/Accused in
	Crl.OP(MD) No.18979 of 2019
A.Murugavel	... Petitioner/Accused in
	Crl.OP(MD) No.18980 of 2019
R.Selvam	... Petitioner/Accused in
	Crl.OP(MD) No.18983 of 2019
C.Elangovan	... Petitioner/Accused in
	Crl.OP(MD) No.18984 of 2019

vs

1. The Sub Divisional Magistrate and Sub Collector,
Srirangam,
Trichy District.

2.State rep by
The Inspector of Police
Inamkulathur Police Station,
Trichy District. ... Respondents/Respondents (in all Cases)

Common Prayer

These Criminal Original Petition filed under Section 482 of Cr.P.C. Praying this Court, to call for the records of the 1st Respondent, the learned Sub-Divisional Magistrate and Sub Collector, Srirangam vide proceedings in Cr.PC Cases No.6663/2019 (Na.Ka.No.A1/6663/2019) dated 07.12.2019 and quash the same.



For Petitioner .. Mr.M.Karunanithi

For Respondents.. Mr.S.Chandrasekar

Additional Public Prosecutor

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COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in Cr.P.C. Case No.6663 of 2019 (Na.Ka.No.A1/6663/2019), dated 07.12.2019, on the file of the first respondent/learned Sub-Divisional Magistrate and Sub Collector, Srirangam.

2.The learned counsel for the petitioners would submit that the first respondent, based on the report of the second respondent, has taken cognizance in Cr.P.C. Case No.6663 of 2019 (Na.Ka.No.A1/6663/2019) and issued notice for the proceedings under Section 107 Cr.P.C., directing the petitioners to appear before the first respondent. While the petitioners appeared before the first respondent in person and also along with their counsel, seeking further time for filing their reply and also praying to serve a copy of substance of information submitted by the second respondent against the petitioners, the first respondent, without giving opportunity to put forth the case of the petitioners, hurriedly passed the impugned order in Cr.P.C. Case No.6663 of 2019 (Na.Ka.No.A1/6663/2019), dated 07.12.2019. He would further submit that the impugned order is not sustainable under law, as the same does not reflect application of judicial mind into the facts and law involved in the case. He would further submit that without providing sufficient opportunity, the impugned order dated 07.12.2019 has been passed. He would further submit that the first respondent has failed to understand the power to pass the interim order under Section 116(3) of Cr.P.C, and the first respondent has not recorded any special or specific reason for the impugned order against the petitioners imposing them to execute a bond for one year with surety, which is illegal and the impugned order is liable to be quashed.

3.The learned Additional Public Prosecutor would submit that the proceedings have been initiated in accordance with the procedure contemplated under Chapter VIII of Cr.P.C.

4.I have given careful consideration to the rival submissions made on either side and also perused the materials available on record.

5.It is seen that notice has been issued under Section 113 of Cr.P.C., directing the parties to appear on 07.12.2019 by 3.00 p.m.

As per the order, the parties appeared through their counsel and
<https://hcservices.ecourts.gov.in/hcservices/>



requested 15 days time for enquiry, whereas the first respondent has passed the order on the same day even before commencement of enquiry without providing sufficient opportunity to the petitioners.

6. In view of the above situation, this Court is of the opinion that the impugned order has been passed without following the procedures contemplated in chapter VIII of Cr.P.C and also without following the principles of natural justice, thereby, the entire proceedings is vitiated.

7. Therefore, the impugned proceedings in Cr.P.C. Case No.6663 of 2019 (Na.Ka.No.A1/6663/2019), dated 07.12.2019 is quashed and these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed. However, liberty is granted to the respondents to initiate proceedings afresh in accordance with law.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To:

1. The Sub-Divisional Magistrate and
Sub Collector, Srirangam,
Trichy District.
2. The Inspector of Police,
Inamkulathur Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-106377[F])

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SRK(CO)

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