

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.OP.No.30876 of 2014
and
MP.No.1 of 2014

1.Ramachandran
2.Gopal
3.Chinnasamy
4.Munirathinam
5.Murugesan
6.Panchali
7.Santhosh
8.Malliga
9.Murugan

... Petitioners

vs.

State Rep. by
Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.572 of 2014)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in Calender Case Roc:4268/2014/C on the file of the Sub-Divisional Magistrate and Revenue Divisional Officer, Krishnagiri and quash the same.

For Petitioners : K.Ganesan for Mr.V.Jeevagiridharan
For respondent : Mr.G.Harihara Arun Somasankar
Government Advocate (Crl. side)

O R D E R

The Criminal Original Petition is filed seeking to quash the proceedings initiated under Section 107 of Criminal Procedure Code in Calender Case Roc:4268/2014/C on the file of the Sub-Divisional Magistrate and Revenue Divisional Officer, Krishnagiri.

2. In the instant case, summons were issued on 05.11.2014 asking the petitioners to appear on 10.11.2014. Section 107 Criminal Procedure Code is extracted hereunder:

"(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction."

3. Since summons were issued as early as on 05.11.2014, nothing survives for further adjudication and the Criminal Original Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (MD)

//True Copy//

Sub Assistant Registrar

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To

1. Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Jeevagiridharan, Advocate, S.R.No.23499.

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and
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PM(CO)

VSI-2(29.05.2020)