



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 4450 of 2020 and

CRL.M.P.(MD)Nos.2509 & 2510 of 2020

WEB COPY

1. Ramar
2. Gunasekaran
3. Sarkkarai
4. Chellasamy
5. Murugan
6. Moorthy
7. Karnan
8. Sakkarai @ Sakkappan
9. Ganesan
- 10.Irulandi
- 11.Dharmalingam
- 12.Nethaji @ Prathanikka Muthirulappan

... Petitioners/B Party

Vs.

1. The II Class Executive Magistrate cum Tahsildar,
Kadaladi Taluk,
Kadaladi,
Ramanathapuram District.

2. The Inspector of Police,
(Law and Order),
Perunazhi police station,
Kadaladi Taluk,
Ramanathapuram District.

3. Murugan
4. Sakkarai
5. Palani
6. Irulandi

... Respondents/"A" Party

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in Cr.M.P.No.34 of 2019 on the file of the II Class Executive Magistrate cum Tahsildar, Kadaladi, Ramanathapuram District and quash the same.

For Petitioners : Mr.M.Mohamed Rafi

For R-1 & R-2 : Mr.A.Robinson,

Government Advocate(Crl. Side).

O R D E R

Mr.A.Robinson, learned Government Advocate(Crl.Side) takes notice for the official respondents.

<https://hcservices.ecourts.gov.in/hcservices/>



2. In this criminal original petition, the proceedings initiated under Section 107 of Cr.P.C. are under challenge.

3. As rightly pointed out by the learned counsel appearing for the petitioners, the Executive Magistrate had grouped 'A' Party and 'B' Party in the proceedings. In catena of decisions, it has been held that such grouping is improper. The Hon'ble Division Bench of this Court in W.P.(MD)No.13015 of 2017 vide order dated 08.08.2017, sustained the aforesaid proposition.

4. Since the proceedings of the respondents are illegal, the same stand set aside. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The II Class Executive Magistrate cum Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.
2. The Inspector of Police, (Law and Order),
Perunazhi police station,
Kadaladi Taluk, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. +1 CC to Mr.M.MOHAMED RAFI, Advocate
(SR-11820[F] dated 16/03/2020)

Crl.O.P.(MD)No.4450 of 2020
12.03.2020

TP (07.05.2020) 2P 5C