



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.10838 of 2020

and

Crl.M.P. (MD)Nos.4942 and 4945 of 2020

WEB COPY

Abdulla

... Petitioner/Respondent

Vs

1.The Executive Magistrate and
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

... Respondents/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in E.M.C.No.113/2020 dated 20.08.2020 on the file of the Executive Magistrate and Deputy Commissioner of Police, Law and Order, Tirunelveli City and quash the same as against the petitioner.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Ms.S.E.Veronica Vincent,
Government Advocate (Crl. Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

2.The petitioner challenges the impugned proceedings whereby he has been called upon to explain as to why he should not be directed to execute security bond for sum of Rs.50,000/-. The petitioner's counsel urged that the very issuance of the notice is bad in law. In the impugned notice it has been mentioned that the petitioner has been indulging in land grabbing by fabricating documents. I wanted to know if in support of this recital, there is even a single material against the petitioner herein. The learned Government Advocate (Crl. Side) took time to produce the material.

3.Today ie., 08.10.2020 when the matter was taken up for hearing, the Learned Government Advocate (Crl. Side) fairly



informed the Court that there is no material against the petitioner that he had been fabricating false documents. Therefore, I have no hesitation to come to conclusion that the subjective satisfaction of executive magistrate is totally vitiated. Even without any proper basis or sufficient ground for proceeding, the impugned proceedings have been initiated. Therefore, the same stands quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Executive Magistrate and
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City.
- 2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.10838 of 2020
08.10.2020

ARK (CO)
KM (21.10.2020) 2P 4C