



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

COMMON ORDER PRONOUNCED : 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) Nos.3981, 5073, 5283, 5341, 5971, 12023 to 12025, 13275, 13385, 13479, 13755, 13952, 13964 to 13968, 13981, 13988, 13989, 13991, 13994, 13997, 14018, 14021, 14025, 14031, 14035, 14037, 14038, 14166, 14399, 14651, 14699, 15090, 15329, 15352, 15358, 15369, 15375, 15417, 15490, 15563, 15571 and 15579 of 2021 and W.P.(MD) No.16334 of 2021

and

Crl.M.P.(MD) Nos.2203, 2204, 2897, 2898, 3051, 3082, 3083, 3438, 6162 to 6164, 6858, 6948, 6949, 7004, 7005, 7144, 7262, 7263, 7264, 7267, 7265, 7274, 7266, 7268 to 7272, 7276, 7277, 7290, 7291, 7294, 7296, 7292, 7295, 7299, 7300, 7303, 7304, 7332, 7334, 7337, 7338, 7343, 7344, 7346, 7347, 7349, 7352, 7354, 7356, 7358, 7359, 7411, 7578, 7739, 7765, 7766, 8063, 8235, 8250, 8251, 8252, 8253, 8256, 8257, 8260, 8262, 8283, 8284, 8323, 8340, 8344 and 8349 of 2021 and W.M.P.(MD) Nos.13186 and 13187 of 2021

1. Syed Ibrahim S/o. Saleem, Door No.25-B,
Pottu Kannara Street, South Gate, Madurai.
2. Babu S/o. Kadar Sayappan,
Vilachery, Madurai.
3. Rafeek S/o. Jalaludeen,
Mohaideen Andavar Lane, South Gate, Madurai.
4. Malilk S/o. Mohamed Sha, 270,
Bharathiyar Road, Jaihindpuram, Madurai.

... Petitioner(s) in CRL OP(MD). 3981/ 2021
- Vs. -

1. Nijam Muhaideen ... Petitioner(s) in CRL OP(MD). 5073/ 2021

1. Manimekalai ... Petitioner(s) in CRL OP(MD). 5283/ 2021

1. Sulthan Kani ... Petitioner(s) in CRL OP(MD). 5341/ 2021

1. J.Arun @ Arun Prince ... Petitioner(s) in CRL OP(MD). 5971/ 2021



WEB COPY

1. Murugan	... Petitioner(s) in CRL OP(MD). 12023/ 2021
1. Radhakrishnan	... Petitioner(s) in CRL OP(MD). 12024/ 2021
1. Easwaran	... Petitioner(s) in CRL OP(MD). 12025/ 2021
1. Indhiran	... Petitioner(s) in CRL OP(MD). 13275/ 2021
1. Praveen Kumar	... Petitioner(s) in CRL OP(MD). 13385/ 2021
1. V.C. Rajendran	... Petitioner(s) in CRL OP(MD). 13479/ 2021
1. Gowthaman	... Petitioner(s) in CRL OP(MD). 13755/ 2021
1. Naffil @ Al Naffil	... Petitioner(s) in CRL OP(MD). 13952/ 2021
1. Fasith @ Mohamed Fasith	... Petitioner(s) in CRL OP(MD). 13964/ 2021
1. Ushman Ali @ Mohamed Ushman	... Petitioner(s) in CRL OP(MD). 13965/ 2021
1. Kadhar Sulthan@sulthan	... Petitioner(s) in CRL OP(MD). 13966/ 2021
1. Mohamed Yahooob	... Petitioner(s) in CRL OP(MD). 13967/ 2021
1. Sheikparidhu	... Petitioner(s) in CRL OP(MD). 13968/ 2021
1. Ishlam @ Mohamed Ishlam	... Petitioner(s) in CRL OP(MD). 13981/ 2021
1. Nasurudeen @ Ahamed Nasirdeen	... Petitioner(s) in CRL OP(MD). 13988/ 2021



WEB COPY

1. Athikulla @ Athikulla Sahib

... Petitioner(s) in CRL OP(MD). 13989/ 2021

1. Muthu Sulaiha @ Muthu Sulaih A Beevi,

... Petitioner(s) in CRL OP(MD). 13991/ 2021

1. Hasan Abbas

... Petitioner(s) in CRL OP(MD). 13994/ 2021

1. Sahul Hameed

... Petitioner(s) in CRL OP(MD). 13997/ 2021

1. Abdul Khaliq

... Petitioner(s) in CRL OP(MD). 14018/ 2021

1. Mohamed Rishvi

... Petitioner(s) in CRL OP(MD). 14021/ 2021

1. Haidar Ali

... Petitioner(s) in CRL OP(MD). 14025/ 2021

1. Alikhan @ Mohamed Alikhan

... Petitioner(s) in CRL OP(MD). 14031/ 2021

1. Syed Abudhakir

... Petitioner(s) in CRL OP(MD). 14035/ 2021

1. Yusuf Shakib @ Mohamed Yusuf Shakib,

... Petitioner(s) in CRL OP(MD). 14037/ 2021

1. Al Amin

... Petitioner(s) in CRL OP(MD). 14038/ 2021

1. Kalidoss

... Petitioner(s) in CRL OP(MD). 14166/ 2021

1. Ajith Kumar

... Petitioner(s) in CRL OP(MD). 14399/ 2021

1. S. Barathiraja

... Petitioner(s) in CRL OP(MD). 14651/ 2021

1. M.M.Ramasubramaniyan

2. R.Kathiresan

... Petitioner(s) in CRL OP(MD). 14699/ 2021



1. Kumaravelu
2. Santhakumar
3. Kannadasan
4. Anandan

WEB 5. Vijaykumar

6. Vasanthakumar
7. Aathithan
8. Ahilan
9. Kavimani
10. Renuka Devi
11. Indira
12. Vishala
13. Malathi
14. Malar

15. Thenmozhi ... Petitioner(s) in CRL OP(MD). 15090/ 2021
- 1.M.Sathiah ... Petitioner(s) in CRL OP(MD). 15329/ 2021
1. K.Syed Ahamed Kabeer ... Petitioner(s) in CRL OP(MD). 15352/ 2021

1. Anwarudeen Anwari ... Petitioner(s) in CRL OP(MD). 15358/ 2021

1. S.Noorul Ameen ... Petitioner(s) in CRL OP(MD). 15369/ 2021

1. Abdul Kareem ... Petitioner(s) in CRL OP(MD). 15375/ 2021

1. Karuppasamy
2. Chithiraikkani ... Petitioner(s) in CRL OP(MD). 15417/ 2021

1. Prakash ... Petitioner(s) in CRL OP(MD). 15490/ 2021

1. S.M.A. Sahul Hameed ... Petitioner(s) in CRL OP(MD). 15563/ 2021

1. Athish ... Petitioner(s) in CRL OP(MD). 15571/ 2021

- Vigneshwaran ... Petitioner(s) in CRL OP(MD). 15579/ 2021



1. Jayaprakash P

... Petitioner(s) in WP(MD). 16334/ 2021

- Vs. -

WEB COPY

1. The Deputy Commissioner of Police
Law and Order Cum Executive Magistrate,
O/o. the Deputy Commissioner of Police
Law and Order Cum Executive Magistrate, Madurai City.

2. The Inspector of Police C-1, Thideer Nagar (L and O)
Police Station, Madurai City.

3. S.Meerkabrudeen Munshi @ Sakaline,
S/o. Ibrahim, 1-G, Kajimar Street Main Road, Madurai.

4. Syed Ahamed Ibrahim @ Qubla

S/o. Syed Kaja Hasan Ibrahim,

5. Syed Abdul Kadar Ibrahim @ Ali,

S/o. Syed Habeerbur Rahman

6. Syed Abdul Salam Ibrahim @ Kabrar,

S/o. Syed Kaja Meinudeen, ... Respondent(s) in CRL OP(MD). 3981/ 2021

1. The Sub Divisional Executive Magistrate and Sub Collector,
O/o. the Sub Collector,
Pattukottai, Thanjavur District.

2. The Inspector of Police
Sethupavachatram Police Station,
Thanjavur District.

... Respondent(s) in CRL OP(MD). 5073/ 2021

1. The Sub Collector Cum Revenue Divisional Officer,
Musiri, Tiruchirapalli District
Tiruchirapalli.



2. The Superintendent of Police
Tiruchirapalli District
Tiruchirapalli

3. The Inspector of Police
Uppiliapuram Police Station
Trichy District

4. K. Periyasamy ... Respondent(s) in CRL OP(MD). 5283/ 2021

1. The Deputy Commissioner of Police(Law and Order),
O/o. the Executive Magistrate Cum Deputy Commissioner of Police
(Law and Order),
Tirunelveli City

2. The Inspector of Police
Melapalayam Police Station,
Tirunelveli ... Respondent(s) in CRL OP(MD). 5341/ 2021

1. The First Class Sub Divisional Magistrate and Revenue
Divisional Officer,
Thiruchendur, Thoothukudi District

2. The Inspector of Police
Alwarthirunagari Police Station,
Aereal Circle, Thoothukudi
... Respondent(s) in CRL OP(MD). 5971/ 2021

1. The II Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.

2. The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.
Cr.No. 219 of 2021.

... Respondent(s) in CRL OP(MD). 12023/ 2021



1. The II Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.

2. The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.
Cr.No. 219 of 2021.

... Respondent(s) in CRL OP(MD). 12024/ 2021

1. The II Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.

2. The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.
Cr.No. 219 of 2021.

... Respondent(s) in CRL OP(MD). 12025/ 2021

1. The Sub Divisional Magistrate Paramakudi,
Ramanathapuram District.

2. The Inspector of Police
Emaneshwaram Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 13275/ 2021

1. The Second Class Magistrate / the Thasildar,
Ramanathapuram, Ramanathapuram District.

2. The Inspector of Police
Bazaar Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 13385/ 2021

1. The Executive Magistrate And Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Palani Sub Division,
Dindigul District.



2. The Inspector of Police
Eriodu Police Station,
Dindigul District.

... Respondent(s) in CRL OP(MD). 13479/ 2021

WEB COPY

1. The Second Class Executive Magistrate Cum Tahsildhar,
Ramanathapuram ,
Ramanathapuram District.

2. The Inspector of Police
Devipattinam Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 13755/ 2021

1. The Revenue Divisional Officer/the 1st Class Sub Divisional
Executive Magistrate,
Revenue Division Office, Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(Cr.No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13952/ 2021

1. The Revenue Divisional Officer/1st class Sub Divisional Executive
Magistrate,
Revenue Divisional Office, Ramanathapuram.

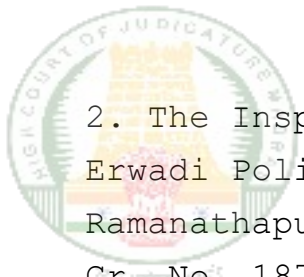
2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(In Crime No.187 of 2021)

... Respondent(s) in CRL OP(MD). 13964/ 2021

1. The Revenue Divisional Officer/1st Class Sub Divisional Executive
Magistrate,
Revenue Divisional Officer,

Ramanathapuram

<https://hservices.courts.gov.in/hservices/>



2. The Inspector of Police
Erwadi Police Station,.
Ramanathapuram District.
Cr.No. 187 of 2021.

WEB COPY

... Respondent(s) in CRL OP(MD). 13965/ 2021

1. The Revenue Divisional Officer / 1st Class Sub Divisional
Executive Magistrate,
Revenue Divisional Office, Ramanathapuram.

2. The Inspector of Police Erwadi Police Station,
Ramanathapuram District
(Crime No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13966/ 2021

1. The Revenue Divisional Officer/the 1st Class Sub Divisional
Executive Magistrate,
Revenue Divisional Office,
Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(Cr.No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13967/ 2021

1. The Revenue Divisional Officer/the 1st Class Sub Divisional
Executive Magistrate,
Revenue Divisional Office, Ramanathapuram.

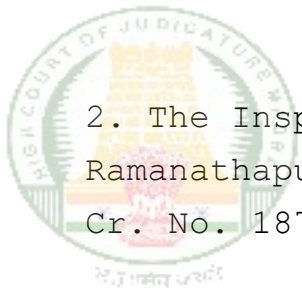
2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(Cr.No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13968/ 2021

1. The Revenue Divisional Officer/1st Class Sub Divisional Executive
Magistrate,
Revenue Divisional Officer,

Ramanathapuram

<https://hservices.courts.gov.in/hservices/>



2. The Inspector of Police Erwadi Police Station,.
Ramanathapuram District.
Cr. No. 187 of 2021.

... Respondent(s) in CRL OP(MD). 13981/ 2021

WEB COPY

1. The Revenue Divisional Officer/ 1st Class Sub Divisional
Executive Magistrate,
Revenue Divisional Office, Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(Cr.No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13988/ 2021

1. The Revenue Divisional Officer/1st Class Sub Divisional Executive
Magistrate,
Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,.
Ramanathapuram District.
Cr. No. 187 of 2021.

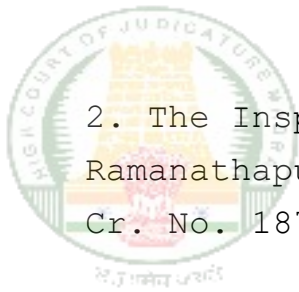
... Respondent(s) in CRL OP(MD). 13989/ 2021

1. The Revenue Divisional Officer/ 1st Class Sub Divisional
Executive Magistrate,
Revenue Divisional Office,
Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
(Cr.No. 187 of 2021)

... Respondent(s) in CRL OP(MD). 13991/ 2021

1. The Revenue Divisional Officer/1st Class Sub Divisional Executive
Magistrate,
Revenue Divisional Officer, Ramanathapuram.



2. The Inspector of Police Erwadi Police Station,.
Ramanathapuram District.
Cr. No. 187 of 2021.

... Respondent(s) in CRL OP(MD). 13994/ 2021

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1. The Revenue Divisional Officer/1st Class Sub Divisional Executive Magistrate,
Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Erwadi Police Station,
Ramanathapuram District.
Cr.No. 187 of 2021.

... Respondent(s) in CRL OP(MD). 13997/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14018/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14021/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Ervadi Dargha Police Station, Ramnathapuram District.

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

... Respondent(s) in CRL OP(MD). 14025/ 2021



1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14031/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14035/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer,
Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14037/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer, Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Eruvadi Dargha Police Station.
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14038/ 2021

1. The 2nd Class Executive Magistrate and Tahsildar,
O/o The 2nd Class Executive Magistrate and Tahsildar,

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



Ramanathapuram District.

2. The Inspector of Police
Mandapam Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14166/ 2021

1. The II Class Executive Magistrate Cum Tahsildar,
O/o. Tahsildar Office,
Paramakudi Taluk,
Ramanathapuram District.

2. The Inspector of Police
Parthibanur Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 14399/ 2021

1. The Second Class Executive Magistrate Cum Tahsildar,
Paramakudi Taluk, Ramnad District.

2. The Inspector of Police
Emaneshwaram Police Station,
Ramnad District.

... Respondent(s) in CRL OP(MD). 14651/ 2021

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

2. The Inspector of Police
Anna Nagar Police Station,
Madurai City.

... Respondent(s) in CRL OP(MD). 14699/ 2021

1. The Sub Divisional Executive Magistrate Cum Revenue Divisional
Officer,
Office of the Revenue Divisional Officer,
Devakottai, Sivagangai District.



2. The Inspector of Police
Somanathapuram Police Station,
Sivagangai District.

... Respondent(s) in CRL OP(MD) . 15090/ 2021

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1. The Second Class Magistrate Cum Tahsildar,
Paramakudi Taluk, Ramnad District.

2. The Inspector of Police Emaneshwaram Police Station,
Ramnad District.

... Respondent(s) in CRL OP(MD) . 15329/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue
Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Ervadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD) . 15352/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue
Divisional Officer,
Ramanathapuram.

2. The Inspector of Police
Ervadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD) . 15358/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue
Divisional Officer,
Ramanathapuram

2. The Inspector of Police
Ervadi Dargha Police Station,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD) . 15369/ 2021

1. The First Class Sub Divisional Executive Magistrate Cum Revenue
Divisional Officer,



Ramanathapuram.

2. The Inspector of Police
Ervadi Dargha Police Station,
Ramanathapuram District.

WEB COPY

... Respondent(s) in CRL OP(MD). 15375/ 2021

1. The Sub Division Magistrate Cum Assistant Collector,
Office of the Sub Division Magistrate,
Sivakasi Taluk,
Virudhunagar District.

2. The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District.

... Respondent(s) in CRL OP(MD). 15417/ 2021

1. The Second Class Executive Magistrate Cum Tahsildar,
Kamuthi, Ramanathapuram District.

2. The Inspector of Police (L & O),
Kamuthi Police Station, Kamuthi,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 15490/ 2021

1. The Executive Magistrate Cum Sub Collector,
Pattukottai

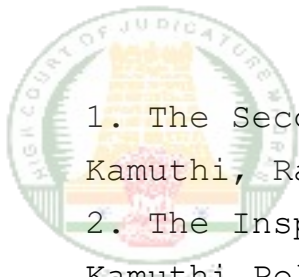
2. The Inspector of Police Town Police Station,
Athirampattinam, Pattukottai.

... Respondent(s) in CRL OP(MD). 15563/ 2021

1. The Second Class Executive Magistrate Cum Tahsildar,
Kamuthi, Ramanathapuram District.

2. The Inspector of Police (Law And Order),
Kamuthi Police Station, Kamuthi,
Ramanathapuram District.

... Respondent(s) in CRL OP(MD). 15571/ 2021



1. The Second Class Executive Magistrate Cum Tahsildar,
Kamuthi, Ramanathapuram District.
2. The Inspector of Police (Law And Order),
Kamuthi Police Station, Kamuthi, Ramanathapuram District.

WEB COPY

... Respondent(s) in CRL OP(MD). 15579/ 2021

1. The Executive Magistrate II
Class, Cum the Tahsildar, Paramakudi Taluk,
Paramakudi.

2. The Inspector of Police
Paramakudi Police Station,
Paramakudi.

... Respondent(s) in WP(MD). 16334/ 2021

For Petitioners :

Mr. S.MA.Jinnah ,	Advocate for Crlop 3981/2021 and 5073/2020
Mr.K.K.Kannan	Advocate for Crlop. 5283/2021
Mr.S.Mahalingam	Advocate for Crlop.No.5971/2021
Mr.P.Senguttarasan	Advocate for Crlop.No. 12023 to12025/2021
Mr.K.Sathish kumar.	Advocate for Crlop.No. 13275/2021
Mr.R.Sankar Ganesh ,	Advocate for Crlop.No.13385/2021
Mr.R.Alagumani,	Advocate for Crlop.No. 13479 and 15417
Mr.S.Jeyakarthik	Advocate for Crlop.No.13755/2021
Mr.A.Balaji.	Advocate for Crlop.No.13952, 13964 to 13968, 13981, 13988, 13989, 13991, 13994, 13997
Mr.R.Anand ,	Advocate for Crlop.No.14018, 14021, 14025, 14031, 14335, 14037, 14038, 15352, 15358, 15369, 15375
Mr.P.Rajeswari,	Advocate for Crlop.No.14166/2021
Mr. Ganapathi.Subramanian.	Advocate for Crlop.No.14399/2021
Mr.C.Jeganathan,	Advocate for Crlop.No.14651 and 15329/2021
Mr. Ganeshkamu	Advocate for Crlop.No.14699/2021
Mr.N.Anandapadmanabhan,	Advocate for A.P.N. Law Associates. for Crlop.No.15090/2021
Mr.R.Babu Jaganath,	Advocate for Crlop.No.15490,15571,15579/2021
Mr. M.Mohamed Riyaz,	Advocate for Crlop.No.15563/2021
Mr.R.Murali,	Advocate for W.P.(md).No. 16334/2021
Mr.K.Manimaran	Advocate for CRL.OP.No.5341 of 2021

For Respondents :

Mr. R.Meenakshi Sundaram.,
Additional Public Prosecutor for
Crlop.Nos.3981,5073,5341,5971,
13275/2021 and W.P.(MD).No.16334/2021

Mr.K.Sanjai Gandhi.

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



Government Advocate for

Crlop.Nos.12023to 12025, 13385, 13479, 13755,
13852,13964 to 13968, 13981, 13988, 13989,
13991, 13994, 13997, 14018, 14021,14025,
14031, 14035, 14037, 14038, 14166, 14399/2021

WEB COPY

Mr.R.M.S.Sethuraman.

Government Advocate for

Crlop.Nos.14651, 14699, 15090, 15329, 15352,
15358 ,15369, 15375, 15417, 15490, 15571,
15579,15563/2021

Prayer in CRL OP(MD) . 3981/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the impugned summon passed by the Respondent No.1 in Na.Ka.No.218/Ni.Se.Na and Ka.Thu.Aa/Ma.Maa/2021 dt.7.3.2021 and quash the same as illegal and pass such further or other orders.

Prayer in CRL OP(MD) . 5073/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. , to call for the records pertaining to the impugned notice issued by the respondent no. in M.C.No.68/2021/A3 dated 26/03/2021 and quash the same as illegal

Prayer in CRL OP(MD) . 5283/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To Call for the entire records relating to the impugned proceedings in Na. Ka. A2/1534/2021 dated 24.03.2021 on the file of the 2nd Respondent and quash the same as against the Petitioner,

Prayer in CRL OP(MD) . 5341/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. .To call for the records pertaining to the impugned notice issued by the Respondent no.1 in EMC No.90/2021 dated 03/03/2021 and quash the same as illegal.

Prayer in CRL OP(MD) . 5971/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To Call for the entire records pertaining to the impugned Show cause Notice issued by the 1st Respondent in M. C No. 117/2021 dated 05.03.2021 and to set aside the same and to pass such further order or other orders as this Honourable,,,,,

Prayer in CRL OP(MD) . 12023/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the Criminal proceedings in MC.No.975/2021/C3, dt.9.8.2021 on the file of the 1st Respondent and quash the same and pass such further or other orders as this Honble Court.

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



Prayer in CRL OP(MD) . 12024/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the Criminal proceedings in MC.No.975/2021/C3, dt.9.8.2021 on the file of the 1st Respondent and quash the same and pass such further or other orders as this Honble Court.

Prayer in CRL OP(MD) . 12025/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the Criminal proceedings in MC.No.975/2021/C3, dt.9.8.2021 on the file of the 1st Respondent and quash the same and pass such further or other orders as this Honble Court.

Prayer in CRL OP(MD) . 13275/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the summon in MC.No.590/2021 Passed by the 1st Respondent dated 22.07.2021.

Prayer in CRL OP(MD) . 13385/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the impugned order under section 110 of Cr.P.C bearing M.C.No.A3/275/2021/7508/2021 on the file of the 1st Respondent dated 18.08.2021.

Prayer in CRL OP(MD) . 13479/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records connected with the order passed by the R1 in M.C. No. 162/2021/Aa7, Dated. 16.08.2021 and quash the same as illegal and pass such further or other orders as this Hon'ble Court.

Prayer in CRL OP(MD) . 13755/ 2021 :

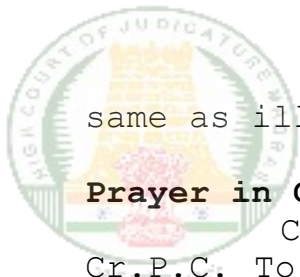
Criminal Original Petition is filed under Section 482 of Cr.P.C. to pass an order of quash, to call for the entire records in relating to the impugned proceedings of the 1st respondent in M.C.No.A3/246/2021-5895/2021 dt.06/08/2021 and to quash the same

Prayer in CRL OP(MD) . 13952/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records relating to the impugned order made in M.C.No.130/2021 dt 06.08.2021 on the file of the 1st Respondent and quash the same as illegal and pass such other order or orders.

Prayer in CRL OP(MD) . 13964/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the Impugned Order made in M.C.No.128/2021 dt. 6/8/21 on the file of the R1 and quash the



same as illegal.

Prayer in CRL OP(MD) . 13965/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the Impugned Order made in MC.No.129/2021 dt.6.8.2021 on the file of the 1st Respondent and Quash the same as illegal and pass such other order or orders as this Honble Court.

Prayer in CRL OP(MD) . 13966/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the impugned order made in M.C. No. 135/2021 dated. 06.08.2021 on the file of the R1 and quash the same as illegal and pass such other order or orders as this Hon`ble Court.

Prayer in CRL OP(MD) . 13967/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the impugned order made in M.C.No.134/2021 dt 06.08.2021 on the file of the 1st Respondent and quash the same as illegal

Prayer in CRL OP(MD) . 13968/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records relating to the impugned order made in M.C.No.137/2021 dt 06.08.2021 on the file of the 1st Respondent and quash the same as illegal

Prayer in CRL OP(MD) . 13981/ 2021 :

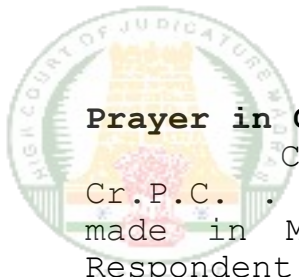
Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the Impugned Order made in MC.No.132/2021 dt.6.8.2021 on the file of the 1st Respondent and Quash the same as illegal and pass such other order or orders as this Honble Court.

Prayer in CRL OP(MD) . 13988/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the impugned order made in M.C.No.136/2021 dt 06.08.2021 on the file of the 1st Respondent and quash the same as illegal

Prayer in CRL OP(MD) . 13989/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the Impugned Order made in MC.No.127/2021 dt.6.8.2021 on the file of the 1st Respondent and Quash the same as illegal and pass such other order or orders as this Honble Court.



Prayer in CRL OP(MD) . 13991/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records relating to the impugned order made in M.C.No.138/2021 dt 06.08.2021 on the file of the 1st Respondent and quash the same as illegal

Prayer in CRL OP(MD) . 13994/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records relating to the Impugned Order made in MC.No.131/2021 dt.6.8.2021 on the file of the 1st Respondent and Quash the same as illegal and pass such other order or orders as this Honble Court.

Prayer in CRL OP(MD) . 13997/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records relating to the Impugned Order made in MC.No.133/2021 dt.6.8.2021 on the file of the 1st Respondent and Quash the same as illegal and pass such other order or orders as this Honble Court.

Prayer in CRL OP(MD) . 14018/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the entire records pertaining to the case in MC.No.157 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 14021/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the entire records pertaining to the case in MC.No.159 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 14025/ 2021 :

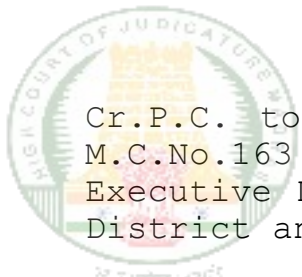
Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the entire records pertaining to the case in MC.No.160 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 14031/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the entire records pertaining to the case in MC.No.162 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 14035/ 2021 :

Criminal Original Petition is filed under Section 482 of
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Cr.P.C. to call for the entire records pertaining to the case in M.C.No.163 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 14037/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in M.C.No.165 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner

Prayer in CRL OP(MD) . 14038/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in M.C.No.167 of 2021 pending on the file of the I Class Sub Divisional Executive Magistrate Cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner

Prayer in CRL OP(MD) . 14166/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records connected with the impugned summon in M.C.No.27/2021/5886/21 dt 23/08/2021 issued by the respondent No.1 and quash the same as illegal

Prayer in CRL OP(MD) . 14399/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the entire records relating to the Impugned order passed by the 1st Respondent in MC.No.109 of 2021 dt.16.7.2021 and quash the same as illegal and arbitrary and pass such further or other suitable order as this Honble Court.

Prayer in CRL OP(MD) . 14651/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records pertaining to the impugned proceedings issued by R1 in M.C.No.88/2020 dt.17.03.2021 and quash the same and pass orders

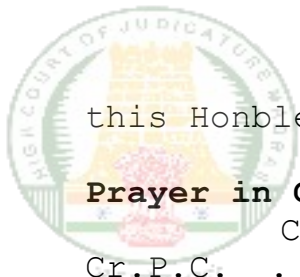
Prayer in CRL OP(MD) . 14699/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records in Na.Ka.N.1009/Ni/Se.Na and Kaa.Thu.AA/Ma.Maa/2021 dt. 16.8.2021 on the file of the Executive Magistrate and Deputy Commissioner of Police, Law and Order, Madurai City and Quash the same as against the petitioner.

Prayer in CRL OP(MD) . 15090/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the records of the impugned proceedings in M.C.No.59 of 2021/B1/(6178/2021) on the file of R1 dt. 24/9/2021 and quash the same as illegal and pass such other or other orders as

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this Honble Court may deem fit in the nature.

Prayer in CRL OP(MD) . 15329/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records pertaining to the impugned proceedings issued by the 1st Respondent in MC.No.27 of 2021 dt.17.3.2021 and quash the same pass such other orders as this Honble Court.

Prayer in CRL OP(MD) . 15352/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. .To call for the entire records pertaining to the case in MC.No.158 of 2021 pending on the file of the I Class Sub-Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 15358/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. .To call for the entire records pertaining to the case in MC.No.161 of 2021 pending on the file of the I Class Sub-Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner.

Prayer in CRL OP(MD) . 15369/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the entire records pertaining to the case in M.C.No.164 of 2021 pending on the file of I Class Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Ramanathapuram District and quash the same as against the petitioner

Prayer in CRL OP(MD) . 15375/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. To call for the entire records pertaining to the case in M.C.No. 166 of 2021 pending on the file of I Class Sub Divisional Executive magistrate cum Revenue Divisional Officer, Ramanathapuram district and quash the same as against the petitioner

Prayer in CRL OP(MD) . 15417/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records connected with the order passed by the Respondent No.1 in MC.No.292 of 2021 dt.24.8.2021 and quash the same against these petitioners as illegal and pass such further or other order as this Honble Court.

Prayer in CRL OP(MD) . 15490/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records related to the impugned summon in M.C.No. 262/2021 dt. 24.08.2021 issued by the R1 and Quash the same as illegal and pass orders



Prayer in CRL OP(MD) . 15563/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To Call for the records relating to the proceedings in M.C./2021/A3, dt. 23.09.2021 on the file of R1 and quash the same

Prayer in CRL OP(MD) . 15571/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. . To call for the records related to the impugned summon in M.C. No. 263/2021 dated. 24.08.2021 issued by the R1 and Quash the same as illegal and pass such further or other orders as this Hon`ble Court.

Prayer in CRL OP(MD) . 15579/ 2021 :

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records related to the impugned summon in M.C. No. 260/2021 dated. 24.08.2021 issued by the R1 and Quash the same as illegal and pass such further or other orders as this Hon`ble Court.

Prayer in WP(MD) . 16334/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling the records relating to the proceedings of the 1st Respondent made in MC. NO.85/2021 dated 29.03.2021 and quash the same and pass such other orders as this Honble Court may deem fit and thus render justice.

COMMON ORDER

All these petitions are filed seeking quashment of the proceedings initiated under Sections 107 and 110 of Cr.P.C. against these petitioners.

2. In a batch of Criminal Original Petitions in Crl.O.P.(MD) Nos.21560 of 2018 and batch, a common question of law and fact arose. The discussion in the aforesaid batch of Criminal Original Petition runs like this.

"4.... Way back in 1980, the Hon'ble Supreme Court in the judgment reported in **AIR 1981 SC 674 (Gopalanachari Vs. State of Kerala)**, has observed the ill-effect of Section 110 Cr.P.C. Paragraph No.5 of the said judgment is extracted hereunder:-

"A closer look at Section 110 of the Code in the setting of peril to personal liberty thus becomes a necessity in this case. Counsel for the State, Shri Francis, amicus curiae Shri Abdul Kader and Senior Advocate Shri Tarkunde, agreed that unless the preventive power

under Section 110 were prevented from pervasive misuse by



zealous judicial vigilance and interpretative strictness, many a poor man, maybe cast into prison by sticking the label of 'habitual' or by using such frightening expressions as 'desperate', 'dangerous' and 'hazardous to the community'. Law is what the law does, even as freedom is what freedom does. Going by that test, Section 110 cannot be permitted in our free Republic to pick up the homeless and the have-nots as it did when under British subjection because to-day to be poor is not a crime in this country. George Bernard Shaw, though ignorant of 110, did sardonically comment that "the greatest of evils and the worst of crimes is poverty".

5. After analyzing the provisions in the light of Article 21 of the Constitution of India, the Hon'ble Supreme Court in the concluding paragraph has observed as under:-

"Let us allay misunderstandings. We are clear in our mind that prevention is better than cure, in criminal law as in medicines, especially when there is judicial supervision. Society cannot be left at the mercy of predators and bandits who, like wild beasts, prey upon the weak and the innocent and become a menace to peace and security of society. But liberty is a prized value and that is why we have insisted not merely upon the Police having to be careful before marching poor people into court under Section 110 but the Court itself having to be gravely concerned about using preventive provisions against helpless persons, not on formal testimony readily produced to order as we have noticed in a recent case, [Prem Chand Vs. Union of India, Writ Petition No.3050 of 1980 decided on 11.11.1980, MANU/SC/0191/1980:1981 CriL J5 (SC)] but on convincing testimony of clear and present danger to society."

6. So, with this cautious note struck by the Hon'ble Supreme Court way back in 1980, while approaching the matter under dispute, we will go to the second judgment with regard to the consequences of dropping of proceedings or execution of the bond for a particular period. The Hon'ble Supreme Court in the case of **Ram Narain Singh and others Vs. State of Bihar** reported in **AIR 1972 SC 2225**, in paragraph No.6, has observed like this.

"6.....We may at the outset state that we find it difficult to accede to the submission made by Mr. Singh that once the period for which bond was ordered to be executed has expired, the order becomes nugatory and the proceedings under section 107 of the Code of Criminal Procedure must be dropped. The proceedings under section 107 of the Code, in our opinion, can continue despite the fact that the period for which the bond was required to be



executed has expired. To hold otherwise would lead to the result that the proceedings under the section would have, to be dropped if the person proceeded against succeeds in protecting the proceedings, even though the apprehension of breach of peace or disturbance of public tranquillity still persists. At, the same time, the court is not precluded from taking into account,, the subsequent events. If the material on record discloses that though there was a danger of breach of peace it one time, because, of the happening of a subsequent event the danger of breach of peace has disappeared, the court can drop the proceedings and discharge the person proceeded against. Even in the absence of some positive evidence of reconciliation between the opposing parties, if the court finds that since, the date of incident complained of, a very long period has elapsed during the course of which nothing untoward has happened. the court may well draw the inference that the danger of breach of peace has vanished. "

7. This judgment guides us further to the effect that if there is a long gap between the incident, that can be taken into account. Even if the period, for which, the bond has been executed, expired, the proceedings may not be dropped. So, subsequent events can be taken into account and simply because the bond was required to be expired, the proceedings need not be dropped.

8. Now, we will go to the Full Bench decision of the Bombay High Court in the case of **Farhan Nasir Khan Vs. State of Maharashtra and others** reported in 2020 (206) AIC 279.

9. The questions that has been referred to before the Hon'ble Full Bench are that i) whether before issuing the show cause notice under Section 111 of Cr.P.C., whether separate order must be passed by the Magistrate.

ii) Whether the aforesaid order must accompany the show cause notice issued under Section 111 of Cr.P.C.

iii) If the show cause notice, which is in writing and which sets forth (i) the substance of the information received, (ii) amount of the bond, (iii) term for which it is to be in force, (iv) number character and class sureties, if any, is required and (v) grounds for apprehending breach of peace or disturbance of public tranquillity, whether a separate order must be passed.

10. The Hon'ble Full Bench after going through the entire evidence came to the conclusion that the Magistrate has to form an opinion in writing as contemplated by Section 111 of Cr.P.C. and thereafter, proceed to issue the show cause notice as contemplated by Section 107 of Cr.P.C. and



along with the show cause notice, the opinion must be annexed. It can also be done in the notice itself by integrating all the aforesaid facts.

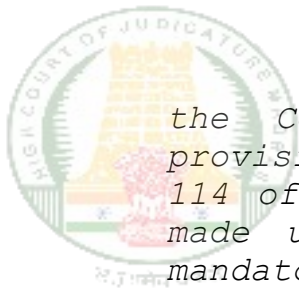
11. Further explaining purpose of the notice, it is observed that the noticee must know the factual matrix comprising either in the complaint or in the information received and the reasons for the opinion of the Magistrate. So, according to the Hon'ble Full Bench decision, the purpose of the notice is to inform the noticee with regard to all relevant facts as stated above for the purpose of giving him a fair and full opportunity to put forth his explanation. So, this judgment of the Hon'ble Full Bench of Bombay High Court further guides as to the issue.

12. This position has been clarified in the famous case of the Hon'ble Supreme Court reported in **AIR 1971 SC 2486 (Madhu Limaye Vs. S.D.M. Monghyr)**. In paragraph Nos. 36 and 37 of the aforesaid judgment, it has been observed as under:-

"We have seen the provisions of Section 107. That section says that action is to be taken in the manner herein-after provided and this clearly indicates that it is not open to a Magistrate in such a case to depart from the procedure to any substantial extent. This is very salutary because the liberty of the person is involved and the law is rightly solicitous that this liberty should only be curtailed according to its own procedure and not according to the whim of the Magistrate concerned. It behoves us, therefore, to emphasise the safeguards built into the procedure because from there will arise the consideration of the reasonableness of the restrictions in the interest of public order or in the interest of the general public. In this very case the Apex Court went on to observe in Para 37 as under:-

Since the person to be proceeded against has to show cause, it is but natural that he must know the grounds for apprehending a breach of the peace or disturbance of the public tranquillity at his hands. Although the section speaks of the 'substance of the information' it does not mean the order should not be full. It may not repeat the information bodily but it must give proper notice of what has moved the Magistrate to take the action. This order is the foundation of the jurisdiction and the word 'substance' means the essence of the most important parts of the information."

13. Way back in 1909, the very same Bombay High Court in a Full Bench decision reported in **MANU/MH/0054/1909 (Suleman Adam Vs. Emperor)** deals about the old provisions of



the Code of Criminal Procedure. There is a specific provision to the effect that summons issued under Section 114 of Cr.P.C. must be accompanied by a copy of the order made under Section 112 of Cr.P.C. It appears that this mandatory requirement has been brought by way of a judicial order by the Hon'ble Bombay High Court in the Farhan Nasir Khan's judgment (referred supra). Now, the position is very clear to the effect that the notice must accompany the material that has been mentioned by the Hon'ble Full Bench of the Bombay High Court.

14. With this backdrop in my mind, we will go to the judgment of our High Court.

15. Even though the judgment reported in **MANU/TN/0706/2017** in the case of **M.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer and others** is frequently quoted and followed, after the aforesaid case, a more comprehensive discussion has been made in CrI.R.C.No.78 of 2020 dated 25.09.2020. As I mentioned earlier, this is very comprehensive in nature.

16. The discussion starts from the colonial error cases, wherein, the proceedings were initiated against V.O.Chidambaram Pillai under Section 107 of Cr.P.C. Section 107 Cr.P.C. deals with the security for keeping the peace. Section 110 deals about the security for good behavior from habitual offenders.

17. A Full Bench Judgment of this Court in the case of **Yeluchuri Venkatachennaya and others Vs. Emperor** reported in **AIR 1920 Madras 337** would conclude that the proceedings under Section 107 Cr.P.C. is equal to trial proceedings. There is one legal assistance was also permitted. So that proposition of law was followed till date.

18. In **AIR 1971 Ker 280 (FB) (Thekkittil Gopalankutti Nair Vs. Melepurath Sankunni Ezhuthaseah)**, it has been observed that proceedings under Sections 107 to 110, 133, 144, 145 and 488 of Cr.P.C. are the judicial proceedings in nature. It is further observed that the term 'breach of peace' requires subjective satisfaction as basis and insofar as the term 'good behavior' is concerned, it rests upon objectivity. So, except class (g) of Section 110 Cr.P.C., the existence of a previous case is a requirement under Section 110 of Cr.P.C. So, in that case, the power of the Deputy Commissioner of Police was questioned. Whether he was a competent person to initiate the proceedings was under discussion.



"(a) Is a previous incident a sine qua non for initiating Section 107 Cr.P.C. proceedings?

(c) Should a show cause order issued under Section 107 Cr.P.C. reflect that the Magistrate has assessed the truth of the information and the need for taking action?

20. In the aforesaid Madhu Limaye's judgment, the Hon'ble Division Bench has observed as under:-

21. Regarding the 1st question, it has been answered that previous incident is not a sine qua the breach of peace. The likelihood of breach of peace is enough to initiate the proceedings under Section 107 Cr.P.C

23. Regarding the 3rd question, it has been answered that the subjective opinion at the stage of Section 107 of Cr.P.C cannot be a matter for judicial review. So, all these questions were answered to the effect that the truth of the information can be tested only in the Enquiry under Section 116 of Cr.P.C.

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that the order must contain substance of the information received. The information is necessary for the noticee to challenge the allegations. A 'substance' here means the essence of the information that has been received by the Magistrate from the police or otherwise. Since in the conclusion paragraph, it has been observed that if preventive action proceedings are not interfered at the threshold, there is every likelihood of tempers cooling down during the proceedings before the Executive Magistrate. So the Courts must be very slow in interfering with an order passed under Section 111 of Cr.P.C. The Society is the ultimate sufferer, if the order passed under Section 111 of Cr.P.C. is interfered needlessly on the ground of protracting the individual rights. We came to an end of discussion with regard to the requirements of law. With this backdrop in my mind, now we are going to the individual case on hand."

3. In the light of the aforesaid observations, now we will take the present cases for discussion.

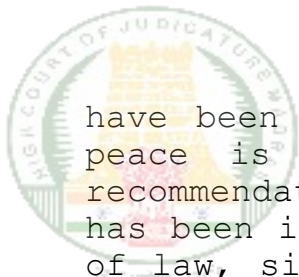
Cr1.O.P. (MD) No.3981 of 2021:-

It is the case of the petitioners that on 02.03.2021 at about 05.30 pm., while the 1st petitioner, who is stated to be 'A' party, was sermonizing about Prophet Mohamed, the private respondents herein along with others criminally intimidated and assaulted the petitioners 1 and 2. They were admitted in the Government Hospital, Madurai for treatment. Based upon the aforesaid incident, a case in Crime No.82 of 2021 for the offences punishable under Sections 147, 148, 323, 307 and 506(ii) of IPC has been registered.

2. In respect of the aforesaid occurrence, the counter case in Crime No.83 of 2021 for the offences punishable under Sections 143, 147, 294(b), 323 and 506(ii) of IPC has been registered against 10 persons and now, it is under investigation. In the meantime, the impugned proceeding dated 07.03.2021 has been initiated against the petitioners.

3. Seeking quashment of the same, this petition has been filed mainly on the ground that because of the election campaign, trouble arose between the parties, in respect of which, the aforesaid two criminal cases have been registered. On the basis of the recommendation made by the 2nd respondent herein, now proceedings have been initiated by arraying the two groups as 'A' and 'B' party, which is not valid under law against the petitioners.

4. Reading of the impugned summon shows that in respect of religious prayer issue, trouble arose between the two groups on 02.03.2021 at about 05.30 pm., for which, the aforesaid two cases



have been registered. Because of the group rivalry, now breach of peace is apprehended in that area. So, on the basis of the recommendation made by the 2nd respondent herein, the impugned summon has been issued. It shows further that it satisfies the requirement of law, since apprehension of breach of peace is true in that area because of the group rivalry. But it suffers from one technical ground, arraying the parties as 'A' and 'B' in a single proceeding is illegal, which is not permissible under law in view of the above referred *Krishnamoorthy's* judgment.

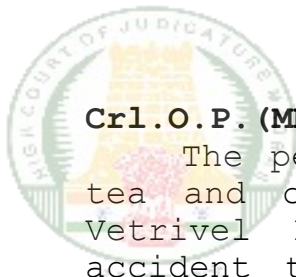
5. On the sole ground itself, this petition stands allowed and the impugned notice dated 07.03.2021 in Na.Ka.Nos.218/Ni.Se.Na. and Ka.Thu.Aa/Ma.Maa/2021 is set aside.

Crl.O.P. (MD) No.5073 of 2021:-

The petitioner is running a mobile service shop at Pattukottai. On the basis of the false confession statement of the co-accused, a case in Crime No.681 of 2002 for the offences punishable under Section 5 of the Indian Explosive Substance Act, Section 9(B)(1)(b) of Explosive Act and Section 120(B) of IPC has been registered against the petitioner and he was tried in S.C.No.3 of 2004 by the Special Court, Poonamallee. He was convicted, against which, he preferred an appeal before this Court in Crl.A.No.133 of 2015 and suspension of sentence was also granted. In the meantime, during the election campaign in 2014, the public of Mallipattinam opposed the candidate to enter into the village, in respect of which, a case in Crime No.62 of 2014 for the offences punishable under Sections 147, 148, 341, 324, 307, 506(i) and 153(A) of IPC r/w 196(1)(a) of Cr.P.C. and now, it is pending in PRC.No.65 of 2017. Another case was also registered in Crime No.30 of 2011 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 336 and 307 of IPC and the same is now pending in PRC.No.18 of 2019. At this juncture, the impugned proceeding in M.C.No.68/2021/A3 dated 26.03.2021 has been issued against the petitioner and notice was also served. In pursuance of the notice, the petitioner appeared before the Enquiry Officer and an explanation has also been given by him. Challenging the said proceedings, this petition is filed mainly on the ground that the impugned notice does not satisfy the requirement of law as set out above.

2. Reading of the impugned notice shows that it has been prepared in the printed format, in which, the particulars have been filled up by pen. It clearly shows the non application of mind on the part of the 1st respondent, while initiating the proceedings, which has been deprecated in the aforesaid judgment.

3. On the aforesaid sole ground itself, this petition is allowed and the impugned notice dated 26.03.2021 in M.C.No.68/2021/A3 is hereby set aside.



Cr1.O.P. (MD) No.5283 of 2021:-

The petitioner herein was doing a petty business of supplying tea and coffee to the employees working in an industry called Vetrivel Explosives Private Limited. In 2016, because of the accident that had occurred in the aforesaid company, 10 persons died. So, the 4th respondent alleged to have instructed the workers including the petitioner herein not to go for work. But for the livelihood of the petitioner, she went to work and because of that, the villagers denied pathway, water supply and other necessities to the petitioner. The petitioner was also prevented from entering the temple premises.

2. On 23.03.2020, the petitioner's son died. Even at that time also, she was not permitted to bury the body. The villagers did not attend the final rites. So, a criminal complaint was given by the petitioner against the 4th respondent and action was also initiated. However, instead of registering FIR against the 4th respondent, now proceeding has been initiated against the petitioner. Challenging the same, this petition is filed mainly on the ground that the impugned notice does not satisfy the requirement of law.

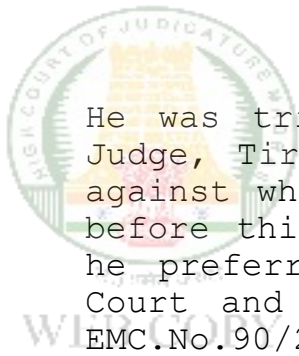
3. Reading of the impugned notice shows that based upon the complaint given by this petitioner, proceeding has been initiated and because of the dispute between this petitioner and the villagers, breach of peace is apprehended. It is very unfortunate that the victim has now become the accused in this matter and the proceeding has been initiated by the 1st respondent on the basis of the recommendation made by the 2nd respondent herein. Moreover, it does not satisfy the requirement of law as stated above.

4. Instead of registering the FIR, a peace committee meeting ought to have been arranged by the respondents herein to sort out the issue amicably between the petitioner and the villagers. Justification of the proceedings in the opinion of this Court is not proper. So, this petition is liable to be allowed and accordingly, allowed, directing the 3rd respondent herein to recommend initiation of the peace committee meeting between the petitioner and the villagers to sort out the issue. On such recommendation, the 1st respondent herein shall conduct the peace committee meeting to resolve the dispute. Based upon the outcome of the peace committee meeting, further steps may be taken by this petitioner or by the Revenue Officials herein. The aforesaid peace committee meeting shall be concluded within a period of one month from the date of receipt of a copy of this order. The impugned notice dated 24.03.2021 in Na.Ka.No.A2/1534/2021 is hereby quashed.

Cr1.O.P. (MD) No.5341 of 2021:-

The petitioner herein is a coolie worker. In 2017, a case has been registered against him in Crime No.270 of 2007 for the offences punishable under Sections 425, 294(b), 354, 302 and 120(b) of IPC.

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He was tried by the learned 3rd Additional District and Sessions Judge, Tirunelveli and was sentenced to undergo life imprisonment, against which, he preferred an appeal in CrI.A.(MD) No.232 of 2008 before this Court, which was also dismissed. Challenging the same, he preferred SLP(CrI.)No.4853 of 2016 before the Hon'ble Supreme Court and bail was also granted. So, the impugned proceeding in EMC.No.90/2021 dated 03.03.2021 has been initiated against the petitioner. Challenging the same, this petition has been filed mainly on the ground that the impugned notice does not satisfy the requirement of law as set out above.

2. The impugned notice is dated 03.03.2021, wherein, it has been stated that the petitioner was involved in the aforesaid case and history sheet has also been opened against him. He has been kept under surveillance. So, the impugned notice has been issued seeking explanation as to why he should not be directed to execute a bond for a sum of Rs.50,000/- to maintain a good behavior.

3. No doubt, the petitioner has been involved in the aforesaid crime and was sentenced to undergo life imprisonment. Now, challenging the same, an appeal is pending before the Hon'ble Supreme Court. In the impugned notice, it has been stated that on 14.02.2021 at about 07.00 pm., the petitioner was found roaming in the VST Junction area. On enquiry by the patrolling police team, the petitioner did not give any proper reply, based upon which, the aforesaid impugned proceeding has been initiated.

4. No doubt, the petitioner has been granted bail by the Hon'ble Supreme Court. When such being the case, initiation of proceeding may not be proper. Furthermore, the impugned notice does not satisfy the requirement of law as stated above. Therefore, the impugned notice in EMC.No.90/2021 dated 03.03.2021 is hereby set aside and accordingly, this Criminal Original Petition stands allowed.

CrI.O.P. (MD) No.5971 of 2021:-

It is the case of the petitioner that in the year 2019, the case has been registered in Crime No.238 of 2019 for the offences punishable under Sections 147, 342, 347, 364, 302, 506(2) of IPC against him as well as others, wherein, he has been arrayed as 6th accused and it is now pending investigation.

2. History Sheet has also been opened against the petitioner and the same has been challenged before this Court by way of filing W.P.(MD) No.13333 of 2020. It was also ordered. However, the 2nd respondent refused to remove the petitioner's name from the History Sheet. In the meantime, proceeding under Section 107 of Cr.P.C. in M.C.No.117 of 2021 dated 05.03.2021 has been initiated against the petitioner and notice has also been ordered, wherein, subjective satisfaction of the 1st respondent with regard to the likelihood of breach of peace has not been mentioned.



3. The proceeding under Section 107 of Cr.P.C. has been initiated in M.C.No.117 of 2021 and notice has also been ordered to the petitioner to appear before the 1st respondent on 08.03.2021 at about 11.00 am., Except this fact, no other facts are mentioned and not even the requirement of law as set out by this Court more particularly in the case of **M.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer and others** reported in **MANU/TN/0706/2017** has been complied with. This impugned notice dated 05.03.2021 passed in M.C.No.117 of 2021 also does not satisfy the requirement of law as stated above and accordingly, it is set aside. This Criminal Original Petition stands allowed.

Crl.O.P. (MD) Nos.12023 to 12025 of 2021:-

The petitioners have been wrongly implicated in Crime Nos.192, 10 and 985 of 2010 on the file of the 2nd respondent police, upon which, the proceeding under Section 107 of Cr.P.C. has been initiated against them. The petitioners also executed a bond each for a sum of Rs.50,000/- before the 1st respondent and an undertaking was also given by them that if any breach of peace is noticed, then Rs.1,00,000/- will be imposed as fine upon them. In the meantime, the 2nd respondent has reported a letter to the 1st respondent stating that violating the bond given by the petitioners on 10.03.2021, they involved another crime in Crime No.219 of 2021, which was registered for the offences punishable under Sections 147, 148, 323, 294(b), 324 and 506(ii) of IPC @ 147, 148, 323, 294(b), 324, 506(ii) and 307 of IPC.

2. Based upon the report filed by the 2nd respondent, summons have been issued in M.C.Nos.975/2021/C3 dated 09.08.2021 against the petitioners for giving explanation. It is the case of the petitioners that due to some election motive only, a false case has been registered against them. Counter case has also been registered against the defacto complainant and others in Crime No.229 of 2021. So, the notices impugned issued by the 1st respondent are not valid under law, since it does not satisfy the requirement of law under Section 107 of Cr.P.C.

3. The impugned notices are dated 09.08.2021, wherein, it has been stated that the petitioners are involved in the aforesaid criminal cases and also executed bonds on 10.03.2021 keeping a good behavior for a period of one year. Violating the aforesaid bonds, they again involved in another criminal case. So, they were directed to explain for that.

4. Perusal of records show that the petitioners had executed bonds on 10.03.2021. During the aforesaid period, it appears that the criminal case has been registered on 06.04.2021. Since notices have been issued only on the ground of violation of the bonds, the petitioners have to appear before the Enquiry Officer to proceed



with the enquiry by setting out their defense stating that it does not satisfy the requirement of law as stated in the case of **M.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer and others** reported in **MANU/TN/0706/2017**.

5. In view of the foregoing discussions, these Criminal Original Petitions are disposed of. The petitioners are at liberty to appear before the Enquiry Officer and cooperate with him to complete the enquiry.

Crl.O.P. (MD) No.13275 of 2021:-

The petitioner is an Agriculturist and because of the election dispute between the two groups, at the instigation of the opposite party, now proceeding has been initiated against this petitioner under Section 107 of Cr.P.C. and show cause notice has also been issued under Section 111 of Cr.P.C. Challenging the same, this petition came to be filed mainly on the ground that printed format has been used by the 1st respondent for initiating the proceedings.

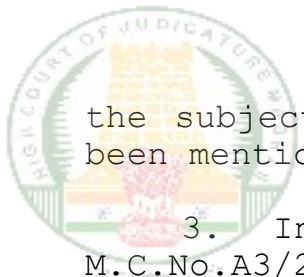
2. The impugned proceeding is dated 22.07.2021. Perusal of the impugned notice shows that as stated by the petitioner, printed format has been used, where the gaps have been filled up. This shows the non application of mind on the side of the 1st respondent before initiating the proceedings, which is not permissible under law. Moreover, the subjective satisfaction on the part of the 1st respondent and the substance of the information that has been furnished by the 2nd respondent herein have not been mentioned in the impugned notice, which warrants interference of this Court.

3. In view of the above, this petition is allowed and the impugned notice dated 22.07.2021 in M.C.No.590/2021 is hereby set aside. However, liberty is granted to the 1st respondent herein in this case to initiate fresh proceedings against this petitioner by properly following the procedures as stated above.

Crl.O.P. (MD) No.13385 of 2021:-

The petitioner herein is an agriculturist and he is working for the development and betterment by his agricultural activities to his community people. Except the involvement of the aforesaid communal activities, no other criminal case has been registered against this petitioner. However, the impugned proceeding under Section 110 of Cr.P.C in M.C.No.A3/275/2021/7508/2021 dated 18.08.2021 has been initiated against him. Seeking quashment of the same, this petition has been filed mainly on the ground that the impugned proceeding does not satisfy the requirement of law as set out above.

2. The impugned notice is dated 18.08.2021. Reading of the impugned notice shows that the petitioner was directed to give explanation as to why he should not be directed to execute a bond for a sum of Rs.50,000/- to maintain good behavior for a period of one year. Except stating so, no other particulars with regard to



the subjective satisfaction, substance of the information etc have been mentioned.

3. In view of the above, the impugned proceeding in M.C.No.A3/275/2021/7508/2021 dated 18.08.2021 is liable to be set aside and accordingly, the same is hereby set aside. This Criminal Original Petition stands allowed.

Crl.O.P. (MD) Nos.13479, 13794 and 13800 of 2021:-

Crl.O.P. (MD) No.13479 of 2021:-

The petitioner herein is a Government Contractor and also an Office Bearer of a political party. Because of the dispute with regard to collecting the rent from the Vendasandur daily market, dispute arose between the parties and because of the false statement given by some people, the case has been registered, upon which, proceeding in M.C.No.162/2021/A7 dated 16.08.2021 has been initiated against the petitioner. Challenging the same, this petition has been filed mainly on the ground that the impugned notice does not satisfy the requirement of law as stated above.

2. The impugned notice is dated 16.08.2021, wherein, it has been stated that the petitioner herein is a habitual offender and he may indulge in activities, which are prejudicial to the public peace and order. So, he has been directed to appear before the Enquiry Officer to explain as to why he should not be directed to execute a bond for a sum of Rs.50,000/- for keeping a good behavior for a period of 1 year.

3. Reading of the impugned notice shows that the substance of the information has not been properly stated and the subjective satisfaction on the part of the 1st respondent has been mentioned.

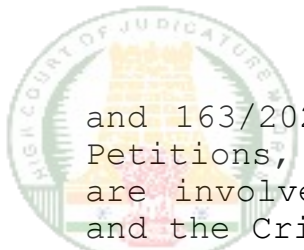
4. The learned Additional Public Prosecutor has produced a list of cases, in which, this petitioner has been involved. He has been charged under NDPS Act and Explosive Substance Act and in most of the cases, he has been acquitted. It is stated that 17 cases are pending.

5. No doubt, the petitioner herein is a habitual offender. So, the initiation of proceedings by the 1st respondent cannot be found fault. However, it suffers from the aforesaid legal infirmity with regard to the subjective satisfaction. On the sole ground, this petition is liable to be allowed and accordingly, it stands allowed. The impugned proceeding in M.C.No.162/2021/A7 dated 16.08.2021 is hereby set aside.

Crl.O.P. (MD) Nos.13794 and 13800 of 2021:-

In view of the order passed in Crl.O.P. (MD) No.13479 of 2021, the impugned notice dated 16.08.2021 passed in M.C.Nos.165/2021/A7

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and 163/2021/A7,0 which were challenged in those Criminal Original Petitions, are liable to be quashed, since common issue and facts are involved in such matters and accordingly, the same are quashed and the Criminal Original Petitions are hereby allowed.

Crl.O.P. (MD) No.13755 of 2021:-

The petitioner has been wrongly implicated in a criminal case in Crime No.193 of 2018, which was registered for the offences punishable under Section 294(b) of IPC. Based upon the aforesaid registration of the FIR, now proceeding under Section 110 of Cr.P.C. has been initiated against the petitioner without following the requirements of law in M.C.No.A3/246/2021-5895/2021 dated 06.08.2021. Challenging the same, this petition has been filed mainly on the ground that before initiation of the proceedings, subjective satisfaction on the part of the 1st respondent has not been recorded.

2. The impugned notice is dated 06.08.2021. Reading of the impugned notice shows that proceeding has been initiated under Section 110 of Cr.P.C. and the petitioner herein was directed to appear before the Enquiry Officer on 16.08.2021. Except stating so, no more particulars have been mentioned. So, it does not satisfy the requirement of law as stated above. Simply because the petitioner herein has been arrayed as accused in the aforesaid crime and he cannot be considered as a habitual offender. It is a petty case, for which, no serious action need to be taken.

3. In view of the above, the impugned notice in M.C.No.A3/246/2021-5895/2021 dated 06.08.2021 is hereby set aside and accordingly, this petition is allowed.

Crl.O.P. (MD) No.13952 of 2021:-

The petitioner has been implicated as accused in Crime No.187 of 2021, which was registered on the basis of the complaint given by one Kadhar Sulthan for the offences punishable under Sections 147, 294(b), 323, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. It has been stated in the complaint that this petitioner along with other persons had trespassed into the garden and assaulted the defacto complainant and his mother, father etc.

2. A counter case has also been registered based upon the complaint given by the petitioner against the defacto complainant in FIR.No.186 of 2021. Because of the registration of the aforesaid 2 FIR, the 2nd respondent herein has sent a recommendation to the 1st respondent to initiate action under Section 107 of Cr.P.C., based upon which, the proceedings in M.C.No.130 of 2021 dated 06.08.2021 has been initiated against the petitioner. Challenging the same, this petition has been filed mainly on the ground that there is no subjective satisfaction on the part of the 1st respondent before initiating the proceedings.



3. The impugned notice is dated 06.08.2021, wherein, it has been mentioned that the 2nd respondent herein has made a recommendation stating that because of the dispute between the parties, there is likelihood of breach of peace in the locality. So, a show cause notice has been issued against the petitioner to explain as to why he should not be directed to execute a bond for a sum of Rs.50,000/-. Except stating so, no other particulars have been mentioned. Subjective satisfaction of the 1st respondent ought to have been recorded as per the requirement of law.

4. In view of the aforesaid discussion, the impugned notice dated 06.08.2021 in M.C.No.130 of 2021 is liable to be set aside and accordingly, the same is hereby set aside. This Criminal Original Petition stands allowed.

13994, 13997 of 2021:-

In view of the order passed in Crl.O.P.(MD) No.13952 of 2021, the impugned notice dated 06.08.2021 passed in M.C.Nos.128, 129, 135, 134, 137, 132, 136, 127, 138, 131 and 133 of 2021, which were challenged in those Criminal Original Petitions, are liable to be quashed, since common issue and facts are involved in such matters and accordingly, the same are quashed and the Criminal Original Petitions are hereby allowed.

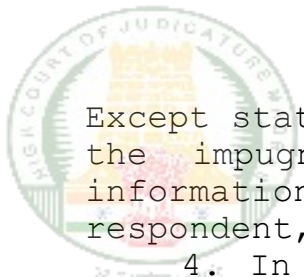
Crl.O.P.(MD) Nos.14018, 14021, 14025, 14031, 14035, 14037, 14038, 15352, 15358, 15369 and 15375 of 2021:-

Crl.O.P.(MD) No.14018 of 2021:-

The case of the petitioner is that he is working as President of Jamiah Masjid Administrative Committee and his election has been approved by the General Body. One Mohamed yakoof, who was previously holding the post of Correspondent in the said school, was found to have committed serious malpractice and irregularities. So, he was removed from the post of Correspondent. So, new election was hold.

2. In view of the aforesaid vengeance, the aforesaid person has filed a civil suit and also gave a false complaint against the new committee members. Without noticing the ground realities, the 2nd respondent has made recommendation to the 1st respondent, upon which proceeding under Section 107 of Cr.P.C. has been initiated. Challenging the same, this petition has been filed mainly on the ground that without any material, the proceeding has been initiated and mechanically it has been decided.

3. The impugned notice is dated 24.08.2021, wherein, it has been stated that the petitioner may indulge in activities, which may cause breach of peace and prejudice to the public law and order. So, he was directed to explain as to why he should not be directed to execute a bond to keep good behavior for a period of one year.



Except stating so, no other particulars are mentioned. Further more, the impugned notice does not disclose the substance of the information as well as the subjective satisfaction of the 1st respondent, before initiating the proceedings.

4. In these circumstances, the impugned notice in M.C.No. 157 of 2021 dated 24.08.2021 on the file of the 1st respondent is liable to be set aside and that the same is set aside. This Criminal Original Petition is allowed, accordingly.

Crl.O.P.(MD) Nos.14021, 14025, 14031, 14035, 14037, 14038, 15352, 15358, 15369 and 15375 of 2021

In view of the order passed in Crl.O.P.(MD) No.14018 of 2021, the impugned notice dated 24.08.2021 passed in M.C.Nos.159, 160, 162, 163, 165, 167, 158, 161, 164 and 166 of 2021, which were challenged in those Criminal Original Petitions, are liable to be quashed, since common issue and facts are involved in such matters and accordingly, the same are quashed and the Criminal Original Petitions are hereby allowed.

Crl.O.P.(MD) No.14166 of 2021:-

The case has been registered against the petitioner in Crime No.144 of 2016 for the offences punishable under Section 8 (C) r/w 22(1) and 25 of NDPS Act. Later he was released on bail. After a period of 5 years, the 1st respondent herein summoned the petitioner in connection with the registration of the FIR. Challenging the proceeding, this petition has been filed mainly on the ground that the impugned notice does not satisfy the requirement of law.

2. The impugned notice is dated 23.08.2021, wherein, it has been stated that this petitioner executed a bond under Section 110 (e) of Cr.P.C. on 19.02.2021 in M.C.No.27/21 for keeping good behavior, but against the bond, on 03.07.2021, the petitioner was found in possession of 23.300 kgm of Kanja, upon which, the case has been registered. Since violation of bond is noticed, he has to participate in the proceedings. However, the petitioner sought time to file his counter through his counsel and therefore, time is granted till 01.09.2021. But, without participating the enquiry, this petition came to be filed on 08.09.2021 against the proceedings, which is not permissible under law.

3. As per Section 122-1(b) of Cr.P.C., the petitioner has to appear before the Enquiry Officer. Without resorting such process, he has filed this petition, challenging the proceedings, which is not at all maintainable under law. So, the argument that the impugned notice does not satisfy the requirement of law and subjective satisfaction has not been mentioned is not at all applicable to the facts and circumstances of this case.

4. In view of the above, this petition deserves to be dismissed and accordingly, it is dismissed with a direction to the petitioner



to appear before the Enquiry Officer and to participate in the enquiry process to put up his defense.

Crl.O.P. (MD) No.14399 of 2021:-

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Proceeding in M.C.No.109 of 2021 dated 16.07.2021 has been initiated against the petitioner without any proper recommendation on the side of the 2nd respondent. No subjective satisfaction has been recorded in the impugned proceeding. Seeking quashment of the aforesaid proceeding, this petition has been filed on the aforesaid ground.

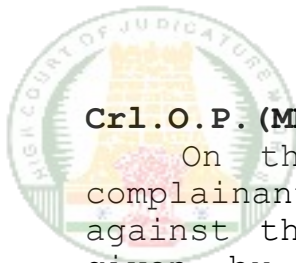
2. The impugned notice is dated 16.07.2021. Reading of the impugned notice shows that the petitioner may involve in activities, which are prejudicial to the public peace and order. Except that, nothing has been stated in the impugned proceeding with regard to the subjective satisfaction and the substance of the information that has been furnished by the 2nd respondent. So, the impugned notice dated 16.07.2021 in M.C.No.109 of 2021, does not satisfy the requirement of law, is liable to be set aside and accordingly, it is set aside. This petition stands allowed.

Crl.O.P. (MD) No.14651 of 2021:-

The petitioner herein is a student, who is undergoing graduation. He has been falsely implicated in Crime No.153 of 2020, which has been registered for the offences punishable under Sections 147, 148, 294b, 323, 324, 307 and 506(ii) of IPC, wherein, he has been arrayed as 2nd accused. On the date of occurrence, he was not present in the place of occurrence. Since the other accused are the relatives of the petitioner, he has been wrongly implicated in the aforesaid crime, based upon which, proceeding under Section 110 Cr.P.C. in M.C.No.88/2020 dated 17.03.2021 has been initiated. Challenging the same, this petition has been filed mainly on the ground that the impugned notice does not satisfy the requirement of law as stated above.

2. In the impugned notice, it has been stated that the petitioner may involve in activities, which are prejudicial to the public peace and order. So, on the basis of the recommendation made by the 2nd respondent herein, the impugned proceeding has been initiated. Except that no other particulars with regard to the subjective satisfaction and substance of the information etc have been mentioned.

3. In view of the above, the impugned proceeding in M.C.No.88/2020 dated 17.03.2021 is liable to be set aside and accordingly, it is set aside. This petition is allowed.



Cr1.O.P. (MD) No.14699 of 2021:-

On the basis of the false complaint given by the defacto complainant, a case in Crime No.1410 of 2021 has been registered against the petitioners. Similarly, on the basis of the complaint given by the petitioners, a counter case has also been registered against the defacto complainant in Crime No.1411 of 2021. Pending the aforesaid investigation, the impugned proceeding has been initiated under Section 107 of Cr.P.C in Na.Ka.No.1009/Ni/Se.Na.&Kaa.Thoo.Aa/Ma.Maa/2021 dated 16.08.2021. Challenging the same, this petition has been filed mainly on the ground that it does not satisfy the requirement of law as set out above.

2. The impugned notice is dated 16.08.2021, wherein, it has been stated that in respect of the tenancy issue, two groups are involved in the trouble. So, the aforesaid two cases have been registered against them and based upon that, the proceeding has been initiated. It appears that proceeding has been initiated against both the parties in a single proceeding, which is not permissible under law. on the sole ground itself, this petition is liable to allowed and accordingly, it is allowed. The impugned notice dated 16.08.2021 passed in Na.Ka.No.1009/Ni/Se.Na.&Kaa.Thoo.Aa/Ma.Maa/2021 is hereby set aside.

Cr1.O.P. (MD) No.15090 of 2021:-

In respect of the administration of the temple, the 1st petitioner herein has filed a suit in O.S.No.101 of 2021 before the learned Principal District Munsif, Karaikudi seeking declaration that the trust created by Kannan and 3 others is null and void and now, the suit is pending.

2. Pending the aforesaid suit, proceeding under Section 107 of Cr.P.C. has been initiated against the petitioners in M.C.No.59 of 2021/B1/(6178/2021) by the 1st respondent dated 24.09.2021, arraying both the groups as 'A' and 'B' party. Challenging the aforesaid proceeding, this petition has been filed mainly on the ground that the impugned notice does not satisfy the requirement of law as stated above and apart from that arraying both the parties as 'A' and 'B' is not valid under law.

3. The impugned notice is dated 24.09.2021. Reading of the impugned notice shows that because of the dispute over the worship of the temple, dispute arose between the two group of community people against the order issued by the Government in view of the COVID-19 protocol. One group of people performed the Kumbabishekam, which was objected to by other people. Based upon the recommendation made by the 2nd respondent herein, proceeding has been initiated. No doubt, substance of the information has been mentioned in the impugned notice, but subjective satisfaction on the part of the 1st respondent with regard to the apprehension of breach of peace is not



mentioned. Similarly, arraying both the rival groups as 'A' and 'B' party in a single proceeding is not permissible under law as stated above.

4. On the aforesaid discussion, this petition is allowed and the impugned proceeding in M.C.No.59 of 2021/B1/(6178/2021) on the file of the 1st respondent dated 24.09.2021 is hereby set aside.

Crl.O.P. (MD) No.15329 of 2021:-

The petitioner is a agricultural coolie worker. He has been falsely implicated in Crime No.153 of 2020, which was registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506 (ii) of IPC and wherein he has been arrayed as 2nd accused. After that, no case has been registered against him. Based upon the aforesaid pendency of the criminal case, proceeding under Section 110 of the Code of Criminal Procedure has been initiated against him and notice has been served upon him. Challenging the same, this petition has been filed.

2. Perusal of records would indicate that the 2nd respondent has made recommendation to the 1st respondent stating that proceedings under Section 110 Cr.P.C., must be initiated against the petitioner and except that, no other particulars are mentioned. So, the subjective satisfaction on the part of the 1st respondent and the substance of the information that has been received have not been mentioned in the impugned notice, which warrants interference of this Court.

3. In view of the above, the impugned notice dated 17.03.2021 passed in M.C.No.27 of 2021 on the file of the 1st respondent is hereby set aside and accordingly, this Criminal Original Petition is allowed.

Crl.O.P. (MD) No.15417 of 2021:-

The petitioners are working as Auto Drivers and they are the members of All India Trade Union Congress (AITUC). The case has

been registered against the petitioners by the 2nd respondent herein and except the aforesaid case, they are having no other case or crime. Now proceeding under Section 107 of Cr.P.C. has been initiated against them and others. Based upon the recommendation made by the 2nd respondent herein, proceeding in M.C.No.292 of 2021 has been initiated against the petitioners. Challenging the same, this petition came to be filed mainly on the ground that the impugned notice does not satisfy the requirement of law as stated above.

2. Reading of the impugned notice shows that except stating that on the basis of the recommendation made by the 2nd respondent,

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apprehending breach of peace by the petitioners, the impugned notice has been issued, no other particulars with regard to the subjective satisfaction as well as the substance of the information that has been furnished by the 2nd respondent have not been mentioned.

3. In view of the above, this Criminal Original Petition is allowed and the impugned notice passed in M.C.No.292 of 2021 dated 24.08.2021 is set aside.

Crl.O.P. (MD) Nos.15490, 15571 and 15579 of 2021:-

The petitioners herein after completing the education are trying to secure Government Job by writing competitive examination. However, on the basis of the recommendation made by the 2nd respondent herein, proceedings in M.C.Nos.262, 263 and 260 of 2021 dated 24.08.2021 have been initiated against the petitioners. Challenging the same, these petitions have been filed mainly on the ground that the impugned notices do not satisfy the requirement of law as stated above.

2. Reading of the impugned notices would indicate that except stating that on the basis of the recommendation made by the 2nd respondent, the impugned proceedings have been initiated and explanation has been called for as to why they should not be directed to furnish security to value of Rs.50,000/- each, no other particulars with regard to the subjective satisfaction as well as the substance of the information that has been furnished by the 2nd respondent have not been mentioned.

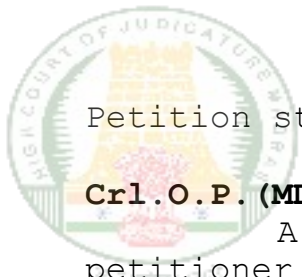
3. In view of the above, these Criminal Original Petitions are allowed and the impugned notices passed in M.C.Nos.262, 263 and 260 of 2021 dated 24.08.2021 are hereby set aside.

Crl.O.P. (MD) No.15563 of 2021:-

Challenging the proceedings initiated in M.C.No.Nil/2021/A3, dated 23.09.2021, this petition has been filed mainly on the ground that the requirement of law as set out in the case of **M.Krishnamurthy and others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer and others** reported in **MANU/TN/0706/2017** has not been satisfied.

2. The impugned proceeding is dated 23.09.2021, wherein, it has been stated that there is every likelihood of breach of peace to be committed by the petitioner and so, he was called upon to appear before the Enquiry Officer, since recommendation has been made by the 2nd respondent herein. Except that, no other particulars are stated.

3. In view of the above, the impugned proceedings in M.C.No.Nil/2021/A3, dated 23.09.2021 on the file of the 1st respondent herein is hereby set aside and this Criminal Original



Petition stands allowed, accordingly.

Crl.O.P. (MD) No.15490 of 2021:-

A wrong proceeding has been initiated against this petitioner in M.C/42(Cr.P.C.107)/2021 dated 08.09.2021 on the ground that this petitioner is involved in Crime No.23 of 2021 on the file of the 2nd respondent. But actually the petitioner is not involved in the aforesaid crime. On the basis of the recommendation made by the 2nd respondent, now proceeding under Section 107 of Cr.P.C. has been initiated. The impugned notice does not satisfy the requirement of law.

2. The impugned notice is dated 08.09.2021, wherein, it has been stated that the petitioner may involve in activities, which may cause breach of peace. On that ground, he was called upon to appear before the Enquiry Officer to give explanation as to why the proceeding should not be initiated against him. The impugned summon shows that two groups of persons have been arrayed as 'A' and 'B' parties. Except stating so, no other particulars have been mentioned in the impugned notice.

3. Further, on the basis of the complaint given by one Paramantha Sugumar, a case in Crime No.23 of 2021 has been registered against the petitioner and 3 others for the offences punishable under Section 147 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, wherein, it has been stated that damages has been caused to the motor room, electricity connection and pipelines in Beach Colony by the accused persons. However, this petitioner has not been arrayed as accused in the aforesaid crime. But, in the impugned summon, this petitioner has been shown as respondent in the 'A' party. So, the connection between the aforesaid crime and the aforesaid proceeding is not clear on record. Further, arraying the parties as 'A' and 'B' in the very same proceeding is not legal as stated above and moreover, the impugned notice does not satisfy the minimum requirement of law as stated above.

4. On the foregoing discussions, the impugned notice in M.C/42 (Cr.P.C.107)/2021 dated 08.09.2021 is liable to be set aside and accordingly, it stands set aside. This Criminal Original Petition is allowed.

W.P. (MD) No.16334 of 2021:-

Proceeding under Section 110 of Cr.P.C. in M.C.No.85/2021 dated 29.03.2021 has been initiated against this petitioner and he has also appeared before the Enquiry Officer twice, but without passing any orders, now he is insisted by the 1st respondent to execute a bond to keep good behavior. Challenging the impugned proceeding, this petition has been filed mainly on the ground that it does not satisfy the requirement of law as stated above.

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2. The impugned notice is dated 29.03.2021, wherein, it has been stated that the petitioner may involve in activities, which are prejudicial to the public peace and order. Except stating that, no other particulars with regard to the subjective satisfaction and the substance of the information have been mentioned. Therefore, the impugned proceeding in M.C.No.85/2021 dated 29.03.2021 is liable to be set aside and accordingly, it is set aside. This Writ Petition stands allowed. No costs.

3. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

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 Deputy Commissioner of Police Law and Order,
cum Executive Magistrate,
O/o.The Deputy Commissioner of Police Law and Order,
cum Executive Magistrate,
Madurai City.
- 2.The Inspector of Police,
C-1, Thideer Nagar (L&O) Police Station,
Maudrai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Sub Divisional Executive Magistrate and Sub Collector,
O/o. the Sub Collector,
Pattukottai, Thanjavur District.



Sethupavachatram Police Station,
Thanjavur District.

6. The Sub Collector Cum Revenue Divisional Officer,
Musiri, Tiruchirapalli District
Tiruchirapalli.

7. The Superintendent of Police
Tiruchirapalli District
Tiruchirapalli

8. The Inspector of Police
Uppiliapuram Police Station
Trichy District.

9. The Deputy Commissioner of Police (Law and Order),
O/o. the Executive Magistrate Cum Deputy Commissioner of Police
(Law and Order),
Tirunelveli City

10. The Inspector of Police
Melapalayam Police Station,
Tirunelveli.

11. The First Class Sub Divisional Magistrate and Revenue
Divisional Officer,
Thiruchendur, Thoothukudi District

12. The Inspector of Police
Alwarthirunagari Police Station,
Aerial Circle, Thoothukudi.

13. The II Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.



14 The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.

15. The II Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.

16. The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.

17. The Ii Class Executive Magistrate Cum Tahsildar,
Ottanchatram, Dindigul District.

18. The Inspector of Police
Ottanchatram Police Station,
Ottanchatram, Dindigul District.

19. The Sub Divisional Magistrate Paramakudi,
Ramanathapuram District.

20. The Inspector of Police
Emaneshwaram Police Station,
Ramanthapuram District.

21. The Second Class Magistrate / the Thasildar,
Ramanathapuram, Ramanathapuram District.

22. The Inspector of Police
Bazaar Police Station,
Ramanathapuram District.

23. The Executive Magistrate And Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Palani Sub Division,



Dindigul District.

24. The Inspector of Police
Eriodu Police Station,
Dindigul District.

25. The Second Class Executive Magistrate Cum Tahsildhar,
Ramanathapuram ,
Ramanathapuram District.

26. The Inspector of Police
Devipattinam Police Station,
Ramanathapuram District.

27. The Revenue Divisional Officer/1st Class Sub Divisional Executive
Magistrate,
Revenue Divisional Officer,
Ramanathapuram.

28. The Inspector of Police Erwadi Police Station, .
Ramanathapuram District.

29. The II Class Executive Magis Trate Cum Tahsildar,
O/o. Tahsildar Office,
Paramakudi Taluk,
Ramanathapuram District.

30. The Inspector of Police
Parthibanur Police Station,
Ramanathapuram District.

31. The Inspector of Police
Somanathapuram Police Station,
Sivagangai District.

32. The Sub Division Magistrate Cum Assistant Collector,
<https://hcservices.ecourts.gov.in/hcservices>



Office of the Sub Division Magistrate,
Sivakasi Taluk,
Virudhunagar District.

33. The Inspector of Police

Srivilliputhur Town Police Station,
Virudhunagar District.

34. The Second Class Executive Magistrate Cum Tahsildar,
Kamuthi, Ramanathapuram District.

35. The Inspector of Police (L & O),
Kamuthi Police Station, Kamuthi,
Ramanathapuram District.

36. The Executive Magistrate Cum Sub Collector,
Pattukottai

37. The Inspector of Police Town Police Station,
Athirampattinam, Pattukottai.

+1CC to Mr.S.Jayakarthis, Advocate, SR.No.40414 dated 27.12.2021

+1CC to Mr.K.Kannan, Advocate, SR.No. 40402 dated 27.12.2021

Crl.O.P.(MD) Nos.3981, 5073,
5283, 5341, 5971, 12023 to 12025, 13275, 13385, 13479, 13755, 13952,
13964 to 13968, 13981, 13988, 13989, 13991, 13994, 13997, 14018,
14021, 14025, 14031, 14035, 14037, 14038, 14166, 14399, 14651,
14699, 15090, 15329, 15352, 15358, 15369, 15375, 15417, 15490,
15563, 15571 and 15579 of 2021 and W.P.(MD) No.16334 of 2021
23.12.2021

PS (CO)
KB(24.02.2022) 48P 40C