



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 15.12.2021  
CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

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Crl.O.P (MD) No.5237 of 2021  
and  
Crl.M.P. (MD) No.3023 of 2021

S.Gandhi

... Petitioner

Vs

1.The Executive Magistrate II cum Tahsildar,  
R.S.Mangalam Taluk Office,  
R.S.Mangalam,  
Ramanathapuram.

2.The Inspector of Police,  
R.S.Mangalam Police Station,  
R.S.Mangalam Taluk,  
Ramanathapuram District.

... Respondents

**PRAYER:** Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the proceedings issued by the respondent in CMC.No.11 of 2021 dated 04.03.2021 passed by the first respondent under Section 117 of Cr.P.C r/w Section 110 of Cr.P.C and quash the same against the petitioner.

For Petitioner : Mr.M.Iniyavan

For Respondents : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

2. The petitioner challenges the final order passed by the first respondent under Section 117 r/w 110 of Cr.P.C. The primary contentions taken by the petitioner is that no notice under Section 111 of Cr.P.C was ever served on him. I called upon the respondents to produce a copy of the notice served on the petitioner under Section 111 of Cr.P.C. No such proof is forthcoming. Since the procedure set out in Cr.P.C., has not been complied with, the order



impugned in this petition is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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**Note:**

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

To

1.The Executive Magistrate II cum Tahsildar,  
R.S.Mangalam Taluk Office,  
R.S.Mangalam,  
Ramanathapuram.

2.The Inspector of Police,  
R.S.Mangalam Police Station,  
R.S.Mangalam Taluk,  
Ramanathapuram District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.M.INIYAVAN, Advocate ( SR-39360[F] dated 17/12/2021 )  
Crl.O.P (MD)No.5237 of 2021  
15.12.2021

MGJ(29.12.2021) 2P 5C