



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17652 of 2021

and

Crl.M.P. (MD)No.9614 of 2021

WEB COPY

1.Suresh
S/o.Retnam

2.Suresh
S/o.Sundaresan

3.Jayachandran

3.Ravichandran

5.Anitha

6.Santhabai

7.Muthulakshmi

8.Kumar

9.Senthilkumar

10.Baby

... Petitioners

Vs

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.

2.The State
Rep. by Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.

3.Adhikesavan

4.Prabhakaran

5.Mohan

6.Vinosh

7.Pineesiya

8.Pramila

9.Dheepika

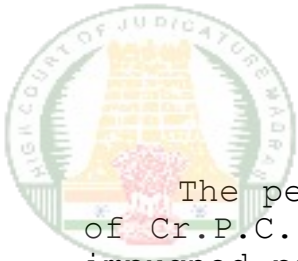
... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the first respondent learned Sub Divisional Magistrate cum Revenue Divisional Officer, Padmanabapuram vide his impugned order in M.C.No.A2/M.C-54 of 2021 dated 01.10.2021 and quash the same.

For Petitioners : Mr.T.Wins

For R1 & R2 : Mr.T.Senthil Kumar

Additional Public Prosecutor



ORDER

The petitioner challenges not only the notice under Section 111 of Cr.P.C., but also the final order passed pursuant thereto. The impugned proceedings deserve to be quashed on the sole ground that separate notices have not been issued to 'A' party and 'B' party. It has been held time and again that the issuance of a composite notice is bad in law.

2. The petitioner's counsel draws my attention to order dated 21.06.2021 made in Crl.O.P.(MD)No.8089 of 2021 (Thangadurai Vs. The Executive Magistrate cum Revenue Divisional Officer, Sankarankovil, Tenkasi District).

3. The case on hand is squarely covered by the aforesaid decision. The impugned proceedings are quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 Sub Divisional Magistrate cum
Revenue Divisional Officer,
Padmanabapuram, Kanyakumari District.

2.The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.

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

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