



WEB COPY

CrI.O.P.(MD)No.19602 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD)No.19602 of 2021

and

CrI.M.P. (MD)No.10950 of 2021

M.Kannan

... Petitioner / B-party

Vs

1.The Executive Magistrate cum
Revenue Divisional Officer,
Thirumangalam Taluk,
Madurai District.

2.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Perunkudi Police Station,
Madurai District.

... Respondents 1& 2 /
Complainants

3.K.Velayudam

4.Muthupandi

5.Maheswaran

6.Thevar

7.Rasu

8.Thangavel

9.Karuppasamy

10.Nagan

11.Moorthy

12.Murugan

13.Kandasamy

14.Parasuraman



16.Kannaiah

... Respondents 3 to 16 / A party

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the proceedings in Na.Ka.No.3209/2021/A1, dated 08.11.2021 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.M.Prabu

For R1 & R2 : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for R1 & R2.

2. The petitioner challenges the issuance of notice dated 08.11.2021 whereby the executive magistrate proposes to initiate the proceedings under Section 107 of Cr.P.C.

3. The petitioner's counsel points out that whenever the security proceedings under Section 107 of Cr.P.C., are initiated, a composite notice clubbing 'A' party and 'B' party cannot be issued. The petitioner's counsel draws my attention to order dated 08.08.2017 in W.P.(MD)No.23015 of 2017.

4. Since a composite notice has been issued wherein the petitioner is the 'B' party, the proceedings are quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// 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 Executive Magistrate cum
Revenue Divisional Officer,
Thirumangalam Taluk,
Madurai District.

2.The Inspector of Police,
Perunkudi Police Station,
Madurai District.

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

+1 CC to M/s.M.PRABU, Advocate (SR-38249[F] dated 10/12/2021)

Crl.O.P (MD) No.19602 of 2021
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RK(20/12/2021) 3P 5C