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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.5361 of 2022

a n d

M.P.No.2923 of 2022

1. SelvaArasan
2. Ranjithkumar ...Petitioners

Vs

1. The Sub-Divisional Executive
Magistrate-cum-Revenue Divisional Officer
Mayiladuthurai.
2. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai.
3. Kalidasan
4. Chandrakumar
5. Bala @ Balasubramaniyan
6. Kaviyarasan
7. Alagappan ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pending on the file of the Sub-divisional Magistrate-cum-Revenue Divisional Officer, Mayiladuthurai in M.C.No.126/2021/Aa1 dated 9/12/2021 and quash the proceeding pending on the file of the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Mayiladuthurai, in M.C.No.126/2021/Aa1.

For Petitioner ... Mr.V.Parthiban
for Mr.A.Ilayaperumal

For respondents ... Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.R.1 and 2
No appearance for R.R.3 to 7



O R D E R

This Criminal Original Petition has been filed to quash the order, dated 9/12/2021, made in M.C.No.126/2021/Aa1, passed by the Sub-divisional Magistrate-cum-Revenue Divisional Officer, Mayiladuthurai.

2. Heard Mr.V.Parthiban, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 and 2.

3.The sole ground placed by the learned counsel appearing for the petitioner is that the authorities should not club both the groups together and initiate one proceeding, under Section 107 of the Code of Criminal Procedure and such procedure is against law.

4.This Court in a judgment reported in CDJ 2006 MHC 1948 PALANI & OTHERS Vs. THE INSPECTOR OF POLICE PUDHUKOTTAI POLICE STATION AND OTHERS has held that passing a common order against the members of the two parties is not in accordance with law. As per Section 116 of the Code of Criminal Procedure a joint enquiry can be held only in respect of members or association of the same group but not against the members of two rival groups.

5.Clubbing both the groups in one proceedings and directing them to face a joint enquiry is not in accordance with law. In such a view of the matter, this Court is inclined to grant the relief sought for by the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the order dated 9/12/2021, made in M.C.No.126/2021/Aa1 passed by the Sub-divisional Magistrate-cum-Revenue Divisional Officer, Mayiladuthurai is quashed. Consequently, connected Criminal Miscellaneous Petition No.2923 of 2022 is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Sub-Divisional Executive
Magistrate-cum-Revenue Divisional Officer
Mayiladuthurai.



2. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai.

3. The Public Prosecutor
Madras High Court.

Cr1. O.P. No. 5361 of 2022

NRL (CO)
RGA (06/07/2022)