



WEB COPY



Crl.O.P.No.6770 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6770 of 2022

and

Crl.M.P.No.3850 of 2022

Annadurai

...Petitioner

-Vs-

1.The Sub Divisional Magistrate
cum Revenue Divisional Officer,
Dharapuram
Tiruppur District.

2.The Inspector of Police,
Moolanur Police Station,
Dharapuram Taluk,
Tiruppur District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the order dated 10.02.2022 under Section 111 of Cr.P.C. in M.C.No.23 of 2022 on the file of 1st Respondent herein and set aside the same.

For Petitioner : Mr.N.Ponraj

For Respondents : E.Raj Thilak
Additional Public Prosecutor



Crl.O.P.No.6770 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to call for the records of the order dated 10.02.2022 under Section 111 of Cr.P.C. in M.C.No.23 of 2022 on the file of 1st Respondent herein and set aside the same, thereby directing the petitioner to appear before the second respondent on 11.02.2022 and say reasons as to why should not execute bond for a sum of Rs.1,000/- within a period of one year.

2. Heard, Mr.N.Ponraj, learned counsel appearing for the petitioner and E.Raj Thilak, learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the impugned show cause notice dated 10.02.2022 was served on the petitioner and thereby called upon the petitioner to appear on 11.02.2022. In fact, the said notice was received by the petitioner only after 11.02.2022. That apart, the first respondent failed to mention the accusation as against the petitioner and failed to furnish the information as contemplated under Section 111 of Cr.P.C. There is a dispute between the petitioner and the neighbours in respect of their respective patta lands. The first respondent ought to have informed



Crl.O.P.No.6770 of 2022

the nature of the case against the petitioner in the show cause notice.

Therefore, without informing the details, directing the petitioner to give explanation is unknown to criminal law. There is no reason stated that the petitioner's action is causing disturbance to the public tranquility and hence, the petitioner was directed to execute bond.

4. It is relevant to extract the provision under Section 111 of Crl.P.C is hereunder :

“111. Order to be made When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Therefore, the impugned order passed under Section 111 of Cr.P.C cannot be sustained as against the petitioner and it is nothing but a clear abuse of process of law.

5. The first respondent ought to have made an order in writing, setting forth the substance of the information received from the defacto complainant. Admittedly, in the case on hand, the impugned order does



Crl.O.P.No.6770 of 2022

not reveal any accusation as against the accused.

WEB COPY

6. In view of the above, the order dated 10.02.2022 in M.C.No.23 of 2022 on the file of 1st Respondent is hereby set aside. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

13.09.2022

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

vsn/Lpp

To

1.The Sub Divisional Magistrate
cum Revenue Divisional Officer,
Dharapuram
Tiruppur District.

2.The Inspector of Police,
Moolanur Police Station,
Dharapuram Taluk,
Tiruppur District.



WEB COPY



Crl.O.P.No.6770 of 2022

G.K.ILANTHIRAIYAN. J.

vsn

Crl.O.P.No.6770 of 2022
and
Crl.M.P.No.3850 of 2022

13.09.2022