



CrI.OP.No.14836 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.14836 of 2020

and

CrI.MP.No.5658 of 2020

Surya

... Petitioner

Vs.

1. The Executive Magistrate and Sub Collector,
Chidambaram, Cuddalore District.

2. The Inspector of Police,
Town Police Station,
Chidambaram, Cuddalore District.

3. Mr. Murugesan,
Inspector of Police,
Town Police Station,
Chidambaram, Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records with respect of the show cause notice issued by the first respondent under Section 110 and 111 Cr.P.C in MC/315/2020 dated 03.09.2020 and quash the same.



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For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1 and R2

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C seeking orders to call for the records with respect of the show cause notice issued by the first respondent under Sections 110 and 111 of Cr.P.C in MC/315/2020 dated 03.09.2020 and to quash the same.

2. This petition has been filed on the ground that the first respondent issued the showcause notice without disclosing the substance required in the notice as contemplated under Section 110 of Cr.P.C. Further, in the impugned notice, there is no reference to the involvement of the petitioner in any event. The first respondent also failed to note that how he has satisfied that the petitioner is a habitual offender causing breach of peace. Section 111 of Cr.P.C states that

“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



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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 and also witness required under Section 110 of Cr.P.C”.

That apart, only the petitioner has to appear and show cause to initiate the proceedings under Section 110 of Cr.P.C as against the petitioner. Therefore, this Court finds no infirmity or irregularity in the showcause notice issued by the first respondent.

. 3. Accordingly, this Criminal Original Petition is dismissed. However, the first respondent police is directed to issue fresh notice under Section 111 of Cr.P.C to the petitioner and proceed in accordance with law. Consequently, connected miscellaneous petition is closed.

17.06.2022

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Vv



WEB COPY



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G.K.ILANTHIRAIYAN, J.

Vv

To

1. The Executive Magistrate and Sub Collector,
Chidambaram, Cuddalore District.
2. The Inspector of Police,
Town Police Station,
Chidambaram, Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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