



WEB COPY



CrI.O.P.No.29712 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.29712 of 2022

&

CrI.M.P.No.18220 of 2022

1.Sekar @ Gunasekran @ Gunasekar

2.Palanivel

... Petitioners

Vs.

1.The Sub Divisional Executive Magistrate Cum
Revenue Divisional Officer,
Attur, Salem District.

2.The Sub Inspector of Police,
Attur Rural Police Station, Salem District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of the Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Attur made in M.C.No.78/2022/A2 on 11-8-2022 and quash the same.

For Petitioners : M/s.S.Muthukrishnan

For Respondents : Mr.S.Santhosh
Government Advocate (CrI.side)



Crl.O.P.No.29712 of 2022

ORDER

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This Criminal Original Petition has been filed to call for the records of the Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Attur made in M.C.No.78/2022/A2 on 11.08.2022 and to quash the same.

2. The learned counsel for the petitioners submitted that the petitioners are social activists and they have given a complaint against police officials, especially the 2nd respondent for not taking action against the illicit sale of liquor. Therefore, the 2nd respondent police filed foisted false case against the petitioners and created the history sheet. In pursuance, 1st respondent issued impugned notice seeking explanation as to why the petitioners cannot execute a bond or sureties for their behaviour, which is illegal. Therefore, this Writ petition has been filed.

3. In response, the learned Government Advocate (Crl.side) submitted that the petitioners are history sheeters and there are several cases pending against them. Even without appearing before the 1st respondent, they came to this Court. It is open to them to appear before the 1st respondent and offer their explanation.



CrI.O.P.No.29712 of 2022

WEB COPY

4. Considered the rival submissions. In view of the fact that the petitioners claim that the cases against them are foisted for opening history sheet against them, on account of a prior given complaint against the 2nd respondent for his inaction in curbing the sale of illicit liquor, this Court directs the petitioners to appear before the 1st respondent and offer their explanation. The 1st respondent is directed to consider the explanation offered by the petitioners, supported documents, if any and pass Orders thereafter on merits and in accordance with Law. The 1st respondent is directed to furnish a copy of the documents relied upon to initiate the proceedings against the petitioners, on their appearance before the 1st respondent.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is closed.

07.12.2022

Index:Yes/No

Speaking/Non speaking order

mpl



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Crl.O.P.No.29712 of 2022

G.CHANDRASEKHARAN.J.,

mpl

To,

- 1.The Sub Divisional Executive Magistrate Cum
Revenue Divisional Officer,
Attur, Salem District.
- 2.The Sub Inspector of Police,
Attur Rural Police Station, Salem District.
- 3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29712 of 2022

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