



WEB COPY

Crl.O.P.(MD) No.3744 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

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

Crl.O.P.(MD) No.3744 of 2022

in

Crl.M.P.(MD) No.2728 of 2022

1. B.Balamurugan

2. Jagadeeshwaran

3. Backiyam

4. Meenakshi

...Petitioners/Respondents

Vs.

1. The Executive Magistrate,
and Sub Collector,
Sivakasi,
Virudhunagar District.

2. The Inspector of Police,
Nattampatti Police Station,
Virudhunagar District.

..Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in connection with the impugned summon passed by the 1st respondent in LIR No.01/2022 dated 10.01.2022 and quash the same.

For Petitioners : M/s.M.Pandian

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petition has been filed challenging the summon issued by the first respondent in LIR No.1 of 2022, dated 10.01.2022, thereby directed the petitioner to appear on 14.02.2022 as to why the petitioner did not execute bond for a period of one year for a sum of Rs.25,000/-.

2.The learned Counsel appearing for the petitioners would submit that without giving opportunity of hearing, straightaway the

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first respondent passed the order to execute a bond for a period of one year. The petitioner may be given opportunity of hearing before the execution of bond since he never involved in any case.

3.On perusal of the counter filed by the second respondent, it is revealed that during the eve of Christmas in the year 2021, the person belonging to rival group lodged a complaint against the petitioners and the first petitioner also lodged a complaint on 03.01.2022. Therefore, there has been regular exaggeration of facts as well as imminent danger of law and order problem due to the enmity between both the groups. The A party consisting of petitioners herein are in the habit of lodging complaints with exaggeration of facts and when the second respondent conducted enquiry in accordance with law based on the said complaint, the involvement of the political parties and people from outside villages hamper the peace often. Therefore in order to maintain peace and tranquillity a detailed report has been sent to the file of the first respondent herein. On receipt of the same, the first respondent initiated proceedings in LIR No.1 of 2022 and issued summons to the parties. The show cause notice has been issued by way of the summon as to why they should not execute a bond for a sum of Rs.25,000/- each as contemplated under Section 107 of Cr.P.C. for a period of one year.

4.Therefore, it is only a show cause notice and rightly issued by the first respondent as contemplated under Section 111 of Cr.P.C. Hence this Court finds no illegality in the summons issued by the first respondent.

5.Considering the above, the criminal original petition is dismissed. However, the first respondent is directed to issue a fresh notice and proceed further in accordance with law.

6.Accordingly, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1. The Executive Magistrate,
and Sub Collector,
Sivakasi, Virudhunagar District.

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2. The Inspector of Police,
Nattampatti Police Station,
Virudhunagar District.

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-11300[F] dated 10/03/2022)

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RK(23/03/2022) 3P 5C