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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

**CORAM**

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

**Crl.O.P(MD)No.6753 of 2022**

**&**

**Crl.M.P(MD)No.4663 of 2022**

Murugan

... Petitioner/ Sole Accused

Vs.

1. The II Class Administrative Magistrate  
cum Revenue Divisional Officer,  
Oddanchathiram,  
Dindigul District.

2. The Inspector of Police,  
Oddanchathiram Police Station,  
Dindigul District.

In Crime No.43 of 2021

... Respondents/ Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in M.C.No. 25/2022/C3 dated 24.03.2022 on the file of the first respondent and quash the same.

For Petitioner : Mr.P.Senguttarasan

For Respondents : Mr.R.M.Anbunithi

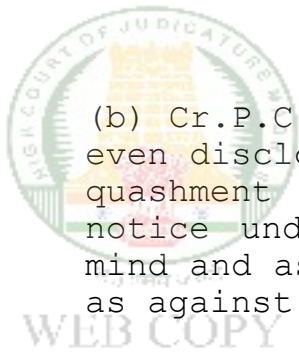
Additional Public Prosecutor (Criminal Side)

**ORDER**

This Criminal Original Petition has been filed to quash the proceedings in M.C.No. 25/2022/C3 dated 24/03/2022 on the file of the first respondent.

2. The petitioner originally executed a bond under Section 110 Cr.P.C and while pending for action, he involved in Crime No.43 of 2021 for the offences under Sections 294(b), 447, 323 and 506(ii) IPC and also in Crime No.219 of 2021 for the offences under Sections 147, 148, 294(b), 307, 323, 324 and 506(ii) IPC.

3. The learned counsel for the petitioner would submit that already for the very same crime, the first respondent initiated proceedings under Section 110 Cr.P.C. After execution of the bond, the first respondent had taken action under Section 122(1)(b) Cr.P.C. It was challenged before this Court in Crl.O.P(MD)No.288 of 2021 and this Court set aside the order passed under Section 122(1)



(b) Cr.P.C in M.C.No.145 of 2020. He further submitted that without even disclosing the earlier order passed by the first respondent and quashment order passed by this Court, the first respondent issued notice under Section 111 Cr.P.C. It shows the non-application of mind and as such, the impugned show cause notice cannot be sustained as against the petitioner.

4. A perusal of the earlier order passed by this Court in Crl.R.C(MD)No.288 of 2021 shows that the impugned order was passed without application of mind and there is no explanation called for the violation of the terms of the bond from the petitioner and no opportunity of hearing was given to the petitioner. That apart, the impugned order further says that there is an Appeal remedy and the petitioner can Appeal before the District Judge and the District Collector within a period of 30 days as against the Order passed under Section 122(1)(b) of Cr.P.C. Further, in that case, the petitioner already involved in Crime No.254 of 2019 and in pursuant to the same, he was directed to execute a bond under Section 110 Cr.P.C. Accordingly, the petitioner had executed a bond and while pending bond period, he involved in another crime registered in Crime No.1523 of 2020. Pursuant to the second crime, the petitioner was arrested and remanded to judicial custody and the same was intimated by the first respondent and present the proceedings under Section 122(1)(b) Cr.P.C was initiated. However, the first respondent failed to follow the procedure and as such, quashed the order passed under Section 122(1)(b) Cr.P.C.

5. In the case on hand, the petitioner involved in Crime No.43 of 2021 for the offences under Sections 294(b), 447, 323 and 506(ii) IPC and also Crime No.219 of 2021 was registered for the offences under Sections 147, 148, 323, 294(b) and 506(ii) IPC. Therefore, it is seen that pending the bond period, the petitioner involved in two cases and he was not served show cause notice under Section 111 Cr.P.C.

6. A perusal of the show cause notice would show that it was issued after following the procedure as contemplated under Section 111 Cr.P.C, such as, after 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.

7. Therefore, there is no question of non-application of mind and suppression of the fact by the first respondent while issuing show cause notice under Section 111 Cr.P.C. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent.



8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The II Class Administrative Magistrate  
cum Revenue Divisional Officer,  
Oddanchathiram,  
Dindigul District.
2. The Inspector of Police,  
Oddanchathiram Police Station,  
Dindigul District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

CrI.O.P(MD)No.6753 of 2022 &  
CrI.M.P(MD)No.4663 of 2022  
11.04.2022

RD(25.05.2022) 3P 4C