



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.7487 of 2022

and

Crl.M.P(MD)No.5103 of 2022

Lakshmanan

... Petitioner

Vs.

1. The Sub Divisional Executive Magistrate
and Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Abiramam Police Station,
Abiramam,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records to quash the proceedings in LIR.No.54 of 2021 (M.C.No.553 of 2021), dated 25.04.2021 and all it's further proceedings.

For Petitioners : Mr.R.Babu Jaganath

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in LIR.No.54 of 2021 (M.C.No.553 of 2021), dated 25.04.2021.

2.The learned counsel for the petitioner submitted that the petitioner has executed a bond under Section 107 of Cr.P.C. in LIR.No.54/2021. In pursuant to the registration of LIR No.54/21 initiated the proceedings in M.C.No.553 of 2021 on 25.04.2021 on the file of the first respondent for a period of one year. However, the petitioner again involved in another crime, which was



registered as Crime No.56 of 2022 for the offences under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC. In pursuant to the said crime, the second respondent intimated the same to the first respondent to initiate the proceedings against the petitioner under Section 122(1)(B) of Cr.P.C. On receipt of the same, the first respondent issued show cause notice to the petitioner to appear on 04.04.2022 for enquiry and the petitioner has also appeared through his advocate and also filed written explanation through his counsel. Because of non appearance of the petitioner on the date of hearing, the first respondent has issued a Non Bailable Warrant and it is pending on the file of the second respondent for execution.

3.The learned counsel for the petitioner gives an undertaking that the petitioner is now ready and willing to appear before the first respondent on the next hearing and cooperate for enquiry.

4.In view of the above, the proceedings of M.C.No.553 of 2021 in pursuant to the LIR.No.54/2021, dated is hereby set aside. The warrant, dated 04.04.2022 is also set aside on condition that the petitioner should appear before the first respondent on 28.04.2022 and co-operate for enquiry to be conducted by the first respondent along with his counsel. The first respondent is directed to give sufficient opportunity to the petitioner for the proceedings initiated under Section 122(1)(B) of Cr.P.C. as against the petitioner and pass orders on merits in accordance with law.

5.Accordingly, the Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

25/04/2022

Sub Assistant Registrar(CS)

vsd

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 Sub Divisional Executive Magistrate
and Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District. .

2. The Inspector of Police,
Abiramam Police Station,
Abiramam,
Ramanathapuram District.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

CrI.O.P (MD) No.7487 of 2022
and
CrI.M.P (MD) No.5103 of 2022
22.04.2022

USK/25.04.2022/3P/4C