



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.02.2022

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VANCrl.O.P.(MD)No.13794 of 2021andCrl.MP(MD)Nos.7163 and 7164 of 2021

V.C.Maharajan

: Petitioner

Vs.

1.The Sub Divisional Executive Magistrate
and Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani Sub Division,
Dindigul District.

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

: Respondents

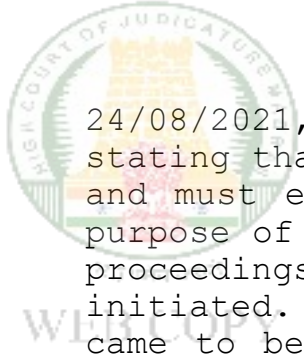
Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records connected with the order passed by the 1st respondent in M.C No.165/2021/27/dated 16.08.2021 and quash the same as illegal.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal side)

ORDER

This petition has been filed by the petitioner seeking quashment of the order passed by the 1st respondent in M.C No.165/2021/27/dated 16.08.2021.

2.The case of the petitioner is that he is the office-bearer of a political party along with his brother collecting amount from Vendasandur Daily Market and that trouble arose because of the objection that has been raised by the rival party. Because they did not succeed in the public auction. So on the basis of the above said enmity, the 2nd respondent registered a case against the petitioner and his brother. Both of them were acquitted by the trial court. On



24/08/2021, a notice was found pasted in the house of the petitioner stating that he has to appear before the 1st respondent on 26/08/2021 and must execute a bond for Rs.50,000/- with two sureties for the purpose of keeping peace for a period of one year. For that purpose, proceedings in MC No.165 of 2021, dated 16/08/2021 has been initiated. So challenging the above said proceeding, this petition came to be filed on the ground that proper procedure has not been followed before initiating proceedings under section 107 Cr.P.C.

3. Heard both sides.

4. In the impugned notice, dated 16/08/2021, it has been stated that the petitioner is involved in criminal cases on the file of the 2nd respondent police and the cases are now under investigation and there is likelihood of indulging in activities, which may cause prejudice to the public peace, so the present case has been initiated on the basis of the cases registered by the 2nd respondent. But subsequently mentioned in the notice and it has been simply stated that the 2nd respondent has given statement that the petitioner may involve in activities, which may cause prejudice to the public peace. A representation was also made to the effect by the petitioner that the case has been registered against him falsely and proceedings have been initiated without any basis. So reading of the above said notice shows that no subjective satisfaction is mentioned by the 1st respondent before initiating proceedings as well as the substance of the information that has been furnished to him by the 2nd respondent, which is clear violation of the procedures that has been given by this court. So on that ground, this petition is liable to be quashed and accordingly, the same stands quashed. However, liberty is granted to the 1st respondent to initiate the proceedings by satisfying the requirements of law, if still the breach of peace is apprehended, and exists.

With the above direction, this criminal original petition stands **allowed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

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 Sub Divisional Executive Magistrate
and Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani Sub Division,
Dindigul District.

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

3.The Government Advocate(CRl Side),
Madurai Bench of Madras High Court,
Madurai.

Cr1.OP(MD)No.13794 of 2021
02.02.2022

MGJ(17.02.2022) 3P 4C