



Crl.O.P.(MD) No.14002 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14002 of 2022
and Crl.MP(MD)Nos.9006, 9007 of 2022

1. Velu

2. Murugan

3. Pagavathi Raja

4. Marimuthu

... Petitioners

Vs

1. The Executive Sub Divisional,
Magistrate and Revenue Divisional Officer,
Tirunelveli..

2. The Inspector of Police,
Sivalaperi Police Station,
Tirunelveli District..

3. Arumugam

4. Arumugam

5. Vignesh @ Vailumuthu

6. Ganesan

7. Sivan

8. Murugan

... Respondents

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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records of the first respondent Executive Sub-Divisional Magistrate and Revenue Divisional Officer, Tirunelveli vide his proceedings in A5/MC36/2022 (107) dated 18.07.2022 and quash the same.

For Petitioners : M/s. S.Sundarapandian

For Respondents : Mr.E.Antony Sahaya Prabahar (R1,R2)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to challenge the impugned proceedings of Executive Sub-Divisional Magistrate and Revenue Divisional Officer, Tirunelveli in A5/MC36/2022 (107) dated 18.07.2022.

2.The learned counsel for the petitioner submitted that the first respondent has passed an impugned order under Section 111 of Cr.P.C, for appearance of the petitioner on 02.08.2022. The impugned notice does not contain the particulars of number, character and class of sureties. Therefore, the impugned notice was served without complying the mandatory requirements under Section 111 of Cr.P.C and it is liable to be quashed.



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3.The learned Additional Public Prosecutor submitted that the impugned notice does not hit by Section 111 of Cr.P.C and objected to quash the same.

4.Heard. I considered the matter in the light of discussions adduced by both parties. Perusal of records reveal the fact that the first respondent has issued impugned order dated 18.07.2022, with regard to dispute of temple, the petitioner and others were mentioned as 'A' Party and 'B' Party and they want to initiate proceedings under Section 107 Cr.P.C between the parties. For issuing notice under 111 of Cr.P.C, the Authority has to set out the substance of 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. In the impugned notice, the number, character and class of sureties required is not set out.

5.From the above, the impugned notice served by the first respondent is not complied with the requirement under Section 111 of Cr.P.C and hence, it is liable to be quashed.



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6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

03.08.2022

Internet: Yes

Index: Yes

PNM

To

1. The Executive Sub Divisional,
Magistrate and Revenue Divisional Officer,
Tirunelveli..

2. The Inspector of Police,
Sivalaperi Police Station,
Tirunelveli District..

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



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V.SIVAGNANAM, J.

PNM

ORDER IN
CrI.O.P.(MD) No.14002 of 2022
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03.08.2022