



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21253 of 2023

Mohan

... Petitioner

Vs.

1.The Sub Divisional Executive Magistrate cum
Sub Collector,
Hosur, Krishnagiri District.

2.The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
(Crime No.36 of 2023)

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records made in V.No.452/2023/P1 dated Nil.08.2023 on the file of Sub Divisional Executive Magistrate cum Sub Collector, Hosur, Krishnagiri District and set aside the same.

For Petitioner

: Mr.R.Sankarasubbu

For Respondents

: Mr.A.Gopinath
Government Advocate

ORDER

This petition has been filed challenging the impugned proceedings initiated by the first respondent in in V.No.452/2023/P1 dated Nil.08.2023 dated 24.08.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3. The learned counsel for the petitioner submitted that the first respondent has proceeded to directly pass an order under Section 110 of Cr.P.C. even without conducting an enquiry. The learned counsel submitted that the petitioner apprehends that he will be arrested and confined in prison even without an enquiry.

4. The learned Government Advocate submitted that only Show Cause notice has been issued by the first respondent and that the apprehension that has been raised by the learned counsel for the petitioner is unfounded.

5. In the considered view of this Court, the impugned proceeding issued by the second respondent is more in the nature of Show Cause Notice calling upon the petitioner to attend an enquiry. The procedure that has to be adopted in cases of this nature has been dealt with in detail by the Division Bench of this Court in ***P.Sathish @ Sathishkumar vs. State*** reported in ***2023 (2) MLJ CrI 144***. The first respondent is expected to follow this procedure and act in accordance with



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6. In view of the same, it is left open to the petitioner to appear before the first respondent and give his explanation on 03.10.2023 and thereafter, the first respondent will proceed further in accordance with law declared by this Court in **Sathish** case mentioned *supra*. This clarity will sufficiently take care of the apprehension raised by the petitioner.

7. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

22.09.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Internet: Yes/No

ssr

To

1. The Sub Divisional Executive Magistrate cum
Sub Collector, Hosur, Krishnagiri District.

2. The Inspector of Police,
Hudco Police Station,
Krishnagiri District.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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