



CrI OP No. 29890 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 29890 of 2019
and

CrI.M.P. No. 16108 of 2019

1.Ramu

2.Quilu @ Lakshminarayanan

3.Vishnu

4.Narayanan

5.Sekar

6.Ayyanar

7.Hari

8.Prem Kumar

9.Vinod

10.Mani Arasan

11.Sasikumar

12.Sakthivel

... Petitioners

Versus

1.The Executive Magistrate cum
Revenue Divisional Officer,
Villupuram.

2.The State,
Rep., by the Inspector of Police,
Vikravadi Police Station,
Vikravadi,



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Villupuram District.

3.S.R.S.Rajenderan

4.Adithyan

5.Sundar @ Jayakrishnan

6.Sathish

7.Ganesh

8.Anbumani

9.Raji

10.Prabhu

11.Kaliyanaraman

12.Tamilarasan

13.Jayavel

14.Jayakumar

15.Vimal raj

16.Ajay

17.Natarajan

18.Ayyappan

19.Narayanmurthy

20.Mani

21.Janardhanan

22.Vishnu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records of the first respondent in Na.Ka.No.A1/4495/2019 dated 16.09.2019 quash the



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same.

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For petitioners : Mr. S. Mohana Sundara Rajan

For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1 & R2.

No appearance for R3 to R22.

ORDER

The Petition is to quash the notice issued under Section 107 of the Criminal Procedure Code.

2.The petitioners are 'B' party in the said proceedings. In the impugned notice 'A' and 'B' parties have been called for joint enquiry. It is settled law that there cannot be a joint enquiry of rival parties in an action under Section 107 of the Criminal Procedure Code in one proceeding. This Court in ***P.S.Kandasamy Vs. The Sub Division Magistrate & Revenue Divisional Officer and Ors., in Crl.R.C. No. 1608 of 2013 dated 03.03.2020*** reiterating the settled position of law held as follows;

“4.Considering the import of the abovesaid decisions, it is seen that uniform ratio laid down in the



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series of decisions is that two opposing parties to a dispute cannot be proceeded against under Section 107 of the Code of Criminal Procedure and cannot be proceeded against and bound over in one and the same proceeding and it is further noted that the settled position of law is that the Sub Additional or Executive Magistrate will have no power to club together the members of two hostile groups and pass a joint order under Section 111 Cr.P.C.“

3.In view of the settled position of law, the impugned notice is quashed and this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

30.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1.The Executive Magistrate cum
Revenue Divisional Officer,
Villupuram.

2.The Inspector of Police,
Vikravadi Police Station,
Vikravadi,



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Villupuram District.

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

SUNDER MOHAN, J

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