



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 4726 of 2022
and CRL MP No. 2664 of 2022

1 SUNDARAMOORTHY

S/O. SRINIVASAN EAST STREET SALAI AGARAM
VILLUPURAM.

2 JOTHI

S/O. SUNDARAMOORTHY EAST STREET SALAI
AGARAM VILLUPURAM.

3 KALIYAPERUMAL

S/O. KRISHNAMOORTHY SALAI OTTU STREET
KOLIYANUR VILLUPURAM.

4 PERIYASAMY

S/O. BALAKRISHNAN IYYANAR KOIL STREET
SALAI AGARAM VILLUPURAM.

5 VENKATAPATHY

S/O. KANNAPPAN PALLAKOODA STREET
THODARNTHANUR VILLUPURAM.

...Petitioners

Vs.

1 SUB DIVISIONAL MAGISTRATE CU
M REVENUE DIVISIONAL OFFICER (I/C)
VILLUPURAM.

2 INSPECTOR OF POLICE
VALAVANUR POLICE STATION VILLUPURAM TK
VILLUPURAM DISTRICT.



...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned show cause notice issued by the 1st respondent herein in Na.Ka.A1/Si.Pa.31/2021 dated 08.02.2022 and quash the same.

For petitioner : Mr.C. Karthikeyan

For Respondents : Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

ORDER

The petitioner herein filed this petition to call for the records pertaining to the impugned show cause notice issued by the 1st respondent herein in Na.Ka.A1/Si.Pa.31/2021 dated 08.02.2022 and quash the same.

2. Heard both sides.

3. The learned counsel for the petitioners submit that show cause notice issued by the first respondent herein is against law and without application of mind and also not followed the procedures laid down under Section 111 of Cr.P.C. Further, the respondents not given the reasons for the satisfaction arrived by him to initiate proceedings under Section 107 of Cr.P.C. which required proper information have been given notice so he prays to quash the proceedings and allow this petition.



4. The learned Government Advocate Criminal side, submits that report of the revenue officials dated 27.01.2024, A party namely Paul Raj and others running unauthorized Trust without obtaining proper registration and also attempted to construct the building in order to run the Trust and the same was rightly enquired by the revenue officials hence he prayed to dismiss the petition as no merits.

5. On perusal of the the said report one Victor conducting prayer by building church and caused annoyance to the public. But there is no procedure was followed to run the alleged Church and he attempted to cause annoyance to the people by doing prayers with loud speaker it cause annoyance to the public. Therefore, the report clearly shows that A party caused annoyance to the local people by conducting prayers without following any procedure as contemplated under law, the reason assigned by the petitioners as such is maintainable. Considering the facts of the case, the prosecution is directed to investigate the A party and their Trust whether they are following the rule of law to run the Trust ? Further, while issuing the show cause notice the first respondent has not assigned the reason as required under law. Hence, the show cause notice issued by the first respondent in Na.Ka. A1/S1.pa. 31/2021 dated 08.02.2022 is quashed.



6. In the result, this petition is allowed. No Costs.

Consequentially connected miscellaneous petition(s) closed.

7. Post the matter on 20.06.2024 for reporting compliance.

01.02.2024

pbl

To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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