



Crl.O.P.(MD) No.23445 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23445 of 2023

in

CRL.M.P(MD)No.18210 of 2023

1.Santha Kumar

...Petitioner

vs

**1. The II Class Executive Magistrate
cum Tahsildar, Oddanchatram,
Dindigul District.**

**2. The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records relating to the proceedings in M.C.No. 25/2023/B3 dated 04.12.2023 on the file of the first respondent and quash the same.

For Petitioner : Mr.D.Venkatesh

**For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)**



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ORDER

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The learned Counsel for the Petitioner seeks to quash the proceedings of the Executive Magistrate cum Tahsildar, Oddanchatram in M.CNo. 25/2023/B3, dated 04.12.2023.

2. It is the submission of the learned Counsel for the Petitioner that based on the report of the second Respondent, the Executive Magistrate has issued proceedings without application of mind and arrived at an independent conclusion based on the materials available. The learned Counsel for the Petitioner invited the attention of this Court to the proceedings under Section 107 of the Cr.P.C and Section 111 of the Cr.P.C., wherein, the sum and substance of the allegation made by the second Respondent alone is referred and he had not given the findings on what consideration he himself arrived at an independent conclusion. Also the learned Counsel for the Petitioner invited the attention of this Court to the order passed by this Court on an earlier occasion in Crl.O.P.(MD)No.15627 of 2022.

3. The learned Government Advocate (Crl.side) vehemently objected



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that there were group clashes between A and B parties and the CSR also was registered by the second respondent. Since there was a breach of peace in the public they had filed report. The second Respondent had furnished the details based on which the Executive Magistrate had passed orders. The learned Government Advocate (Crl. side) seeks dismissal of this Petition.

4. On perusal of the proceedings of the Executive Magistrate, the copy annexed in the typed set, the submission of the learned Counsel for the Petitioner is found acceptable and reasonable. Hence, in the light of the earlier order passed by this Court, this petition is allowed. The respondents are given power to issue proper order after conducting separate enquiry.

With the above said observation, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Internet: Yes/No
Index: Yes/No
Akv/jbr

02.01.2024

SATHI KUMAR SUKUMARA KURUP, J.



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Akv/jbr

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To

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cum Tahsildar, Oddanchatram,
Dindigul District.
2. The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

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