



WEB COPY

CRL RC No. 1782 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1782 of 2025

and

CRL MP No.17708 of 2025

1. Ms. SUDHA @
SHANMUGAPRIYA
W/o. Sreedhar, D/o. Karuppana
Gounder, Dhuruchampalaam, Jambai,
Bhavani, Erode District.
2. Mr. P.B. Sreedhar
S/o. Balasubramaniam,
Dhuruchampalaam, Jambai, Bhavani,
Erode District.
3. Mr. T.P.S. Mohan Kumar
S/o. Senkottaiyan, 25,
Dhuruchampalaam, Jambai, Bhavani,
Erode District.
4. Mr. Anandha Murthy
Dhuruchampalaam, Jambai, Bhavani,
Erode District.
5. Mr. Palanisamy
S/o. Raja Gounder, Dhuruchampalaam,
Jambai, Bhavani, Erode District.

Petitioner(s)

Vs

1. Sub Divisional Magistrate/Sub
Collector
Gobichettipalayam, Erode District.
- 2.The State by Inspector of Police
Bhavani Police Station, Erode District.



Respondent(s)

PRAYER

Criminal Revision is filed under Section 438 read with 442 of BNSS, to set aside the order dated 08.09.2025 Na.Ka. No.3949/2024/A2 on the file of the Sub Divisional Magistrate Cum Sub Collector, Gobichettipalayam, Erode District by allowing the present criminal revision petition and thus renders justice.

For Petitioner(s): Mr.C.Arun Kumar for
J.Titus Enock

For R1: No appearance

For R2: Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

Criminal revision petition has been filed challenging the impugned order passed under Section 136 of BNSS (corresponding to Section 117 of Cr.P.C).

2. The proceedings were initiated by a notice dated 26.07.2025 under Section 126 of BNSS (corresponding to Section 107 of Cr.P.C) on the ground that there was a dispute between the two groups of persons and both parties were directed to execute a bond to maintain peace.

3. The learned counsel for the petitioners would submit that the impugned order passed by clubbing both parties is contrary to the settled legal position of law, as a joint enquiry cannot be conducted and is therefore, liable to be set aside. He also relied upon the order passed by this Court in



Crl.O.P.No.5361 of 2022.

4. Heard the learned Government Advocate (Crl.Side) appearing for the 2nd respondent.

5. This Court, in Crl.O.P.No.5361 of 2022, has held as follows:

“3. The sole ground placed by the learned counsel appearing for the petitioner is that the authorities should not club both the groups together and initiate one proceeding, under Section 107 of the Code of Criminal Procedure and such procedure is against law.

*4. This Court in a judgment reported in **CDJ 2006 MHC 1948 PALANI & OTHERS Vs. THE INSPECTOR OF POLICE PUDHUKOTTAI POLICE STATION AND OTHERS** has held that passing a common order against the members of the two parties is not in accordance with law. As per Section 116 of the Code of Criminal Procedure a joint enquiry can be held only in respect of members or association of the same group but not against the members of two rival groups.*

5. Clubbing both the groups in one proceedings and directing them to face a joint enquiry is not in accordance with law. In such a view of the matter, this Court is inclined to grant the relief sought for by the petitioner.”

6. The above observations would squarely apply to the facts of the present case. Admittedly, by the impugned order, the petitioners, who were shown as 'B' party, and certain other persons, shown as the 'A' party were called for joint enquiry, and the impugned order has been passed. Hence, the impugned order is set aside, and the criminal revision is allowed. Consequently, the connected miscellaneous petitions, if any, shall stand closed.



17-12-2025

dpa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sub Divisional Magistrate/Sub Collector
Gobichettipalayam, Erode District.

2. The Inspector of Police
Bhavani Police Station, Erode District.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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