

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.06.2014

CORAM:
THE HONOURABLE Mr. JUSTICE G.M.AKBAR ALI

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Cr1.O.P. (MD) No.16562 of 2013

M.Sangaiah

... Petitioner

Vs.

1.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

3.M.Subramanian

... Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned order in Na.Ka.No.A2/1847/2013 dated 19.04.2013 on the file of the 1st respondent and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.V.Rajarajan
Government Advocate (Cr1. Side) for R1 and R2

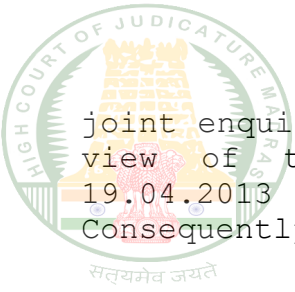
ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.side) appearing for the respondents 1 and 2.

2.The Criminal Original Petition has been filed to quash the proceedings in Na.Ka.No.A2/1847/2013 dated 19.04.2013. A case in Crime No.144 of 2013 has been filed under Section 107 Cr.P.C. on 13.03.2013 and the Revenue Divisional Officer, Sivagangai has issued notice dated 19.04.2013. However, notice was issued both A and B party. Challenging the said notice and the proceedings, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that any proceedings under Section 107 Cr.P.C., a joint enquiry can be held only in respect of members of the association and not against the members of the rival group. The learned counsel relied on a decision reported in **2006(3) CTC 796**.

4.As rightly pointed out by the learned counsel for the petitioner, a notice has been issued jointly for A and B group and this Court in **2006(3) CTC 796** cited supra has dealt with this matter and has found that a



joint enquiry cannot be held against the members of two rival groups. In view of the same, the proceedings in Na.Ka.No.A2/1847/2013 dated 19.04.2013 is hereby quashed. The Criminal Original Petition is allowed. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (T&P)

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/True copy/

Sub Assistant Registrar

To

1. The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. T. Lajapathi Roy, Advocate Sr No. 31364

Cr1.O.P. (MD) No. 16562 of 2013
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