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CRL OP(MD). No.11394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.06.2023

Pronounced on : 25.07.2023

CORAM:

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.11394 of 2023

and

CRL MP(MD)Nos. 8977 and 8978 of 2023

Muthupandi

... Petitioner

Vs

1.The Inspector of police,
Surandai police station,
Tenkasi District,
in Crime No.29 of 2023.

2.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Tenkasi, Tenkasi District.

...Respondents

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the records of the proceedings in Na.Ka.No.A1/3054/M.C.B/03/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.S.Manikandan
Government Advocate (Crl.side)



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ORDER

This Criminal Original petition has been filed to call for the records of the proceedings in Na.Ka.No.A1/3053/M.C.B/04/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

2. The Inspector of Police, Kurumbur, has sent a communication / information to the second respondent herein stating that the petitioner is involved in criminal activities apprehending breach of peace because of his continuous criminal activities, recommendation has been made to initiate action against 110 Cr.P.C. On the basis of the above said information, procedures were initiated in M.C.No.3 of 2023 dated 30.05.2023 and summons was issued to the petitioner to appear before him and show cause as to why he should not be directed to execute bond for Rs.5,000/- for on year under Section 110 of Cr.P.C.

3. Challenging the above said summons, this petition has been filed on the ground that the settled procedure as set out in the above said



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judgment *Syed Ibrahim and the Deputy Commissioner of Police Law and order cum Executive Magistrate* dated 23.12.2021, has not been followed.

4. But perusal of the records shows that this petitioner already filed CrI.O.P(MD)No.7986 of 2023 seeking a direction to the Inspector of Police, Surandai police station not to harass the petitioner under the guise of enquiry. When the matter was heard, it was submitted by the Additional Public Prosecutor that proceedings was initiated in LIR No.29 of 2023 by the second respondent and summon was not served within the date. The second respondent was directed to serve summons to the petitioner and petitioner was directed to appear before the second respondent and cooperate with him to complete the process of enquiry. Depending upon the outcome of the enquiry, the petitioner was given liberty. The above said order is dated 27.04.2023. Subsequent to that order, the present summon has been issued on 30.05.2023.

5. Reading of the summon does not indicate any procedural lapses. Subjective satisfaction is also given reason for initiating the proceedings.



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Sufficient information is furnished to the petitioner, though not a separate order was not passed by the second respondent to initiate action.

But as mentioned above, the facts and circumstances has been clearly mentioned and subjective satisfaction has also been recorded.

6. Therefore, the summon does not suffer from any illegality. So, the summon cannot be quashed. The petitioner, as directed by this Court in Crl.O.P.(MD)No.7986 of 2023, to appear before the second respondent and cooperate with him to complete the process of enquiry. The enquiry process must be completed within a period of two months from the date of appearance of this petitioner. Consequently, connected miscellaneous petitions stand closed.

25.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To
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- 1.The Sub Divisional Magistrate cum the Revenue Divisional Officer,
Tenkasi, Tenkasi District.
- 2.The Inspector of police, Surandai police station, Tenkasi District,
in Crime No.29 of 2023.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN, J.

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Pre-Delivery Order made in

CRL OP(MD).No.11394 of 2023

and

CRL MP(MD)Nos. 8977 and 8978 of 2023

Date: 25.07.2023