



WEB COPY



Crl.O.P.(MD)No.15912 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.15912 of 2023

R.Mary Stella

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to quash summon as against the petitioner in P1/9234/2023, dated 23.08.2023 issued by the second respondent and consequently direct to confiscated the speakers in terms of Sec.3A of Tamil Nadu Nuisance Act.

For Petitioners : Mr.P.F.Ferlin Castro

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)



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Crl.O.P.(MD)No.15912 of 2023

ORDER

These Criminal Original Petition has been filed seeking to quash summon as against the petitioner in P1/9234/2023, dated 23.08.2023 issued by the second respondent and consequently direct to confiscated the speakers in terms of Sec.3A of Tamil Nadu Nuisance Act.

2.Learned counsel for the petitioner submitted that the petitioner has preferred a complaint before the second respondent to remove the cone speakers used in that area which causes nuisance. Since no action was taken, she has filed W.P.(MD)No.8640 of 2022 and the same was allowed. Even after, the respondent has not taken any action to remove the speakers, instead, issued a summon to the petitioner to appear for enquiry. Seeking quashment of the summon, this petition came to be filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

4. Learned Government Advocate (Crl.side) submitted that on the basis of the complaint given by the petitioner herein that violating the



Crl.O.P.(MD)No.15912 of 2023

order of the Hon'ble Supreme Court in using the loud speakers, the some persons alleged to have placed loud speakers in that area, summon has been issued to the petitioner. She refused to appear before the respondent claiming that no such complaint has been given her.

5. If no such complaint has been given by the petitioner, she can very well appear before the respondent and give a statement. But without appearing before the respondent, this petition has been filed, seeking quashment of the summons. The petitioner is directed to appear before the respondent and give a statement by setting out all the facts.

6. With this direction, this Criminal Original Petition stands disposed of.

12.10.2023

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

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Crl.O.P.(MD)No.15912 of 2023

G.ILANGOVA. J.

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To

- 1.The Superintendent of Police, Kanyakumari District.
- 2.The Sub Inspector of Police, Marthandam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.15912 of 2023

12.10.2023