



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.16606 of 2016

and

CMP(MD)Nos.8180 and 8181 of 2016

Ramasamy

: Petitioner

-Vs-

The State,
represented by its
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
CRIME NO.321/2013

: Respondent

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records relating to impugned proceedings, dated 21.07.2016 of the learned Judicial Magistrate, Tiruchendur and its consequential proceedings and quash the same as illegal and pass such further orders.

For Petitioner

: Mr.S.Angappan

For Respondent

: Mr.K.Anbarasan

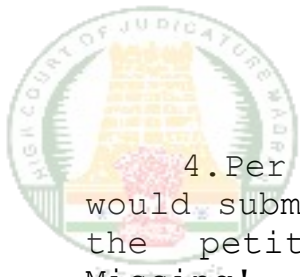
Govt. Advocate (Crl.Side)

O R D E R

This petition is filed to call for the records relating to the summons issued under Section 61 of Cr.P.C and quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.

3.Mr.S.Angappan, learned counsel appearing for the petitioner would submit that the respondent filed a petition before the Judicial Magistrate, Tiruchendur, as if the petitioner wants to become an approver in this case and based on the petition, the learned Judicial Magistrate has issued summons. It is further submitted that the respondent police have no material to file a charge sheet, so they have been compelling the petitioner to become an approver.



4.Per contra, the learned Government Advocate (Criminal side) would submit that based on the extra-judicial confession given by the petitioner, the case originally registered under 'Man Missing', was altered into 364, 302 IPC @ 147, 148, 364, 302 & 201 IPC and the respondent police have not compelled the petitioner to become an approver and the petitioner has to appear before the concerned Judicial Magistrate as per the summons issued and hence, this petition is not maintainable.

5.It is seen that originally, the respondent police registered a case in Crime No.321 of 2013 under 'Man Missing' and subsequently, it was altered into 147, 148, 364, 302 & 201 IPC. The learned Judicial Magistrate, Tiruchendur has issued a summon for the appearance of the petitioner on 25.07.2016.

6.In view of the above un-controverted facts, this petition is disposed of with a direction to the petitioner to appear before the concerned Judicial Magistrate. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

1.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

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

+1 CC TO MR.M.S.JEYAKARTHIK, Advocate Sr.No.58452

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