



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

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CRL.O.P. (MD) No. 7523 of 2017 &
Cr1.M.P. (MD) .Nos. 5155 and 5156 of 2017

F.Selvin Julias

: Petitioner/B Party

-Vs-

1. The Sub Divisional Magistrate and
Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2. The Inspector of Police,
Koilpatti Police Station
Koilpatti,
Thoothukudi District.

: Respondents/Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records and quash the impugned summons in M.C.No.A1/196/2017, dated 23.02.2017 on the file of 1st respondent and the subsequent proceedings consequent to the crime No.71 of 2017, dated 18.02.2017 on the file of the 2nd respondent and further or other orders as this Court may deem fit and proper in the circumstances of this case.

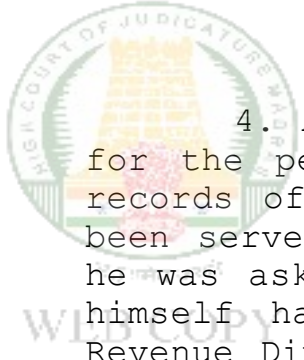
For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.K.Anbarasan
Government Advocate (Cr1.Side)

O R D E R

Challenging the proceedings initiated under Section 107 Cr.P.C., the petitioner has filed the present petition.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. At the outset, Mr.Prabhu Rajadurai, learned counsel for the petitioner brought to the notice of this Court that the summons received by the petitioner is bereft of minimum particulars required to be given by the Executive Magistrate, while initiating proceedings under Section 107 Cr.P.C as held by a Division Bench of this Court in **M.Krishnamorthy & Ors V. The Sub Divisional Magistrate**, reported in **2017 1 LW (149)**.



4. At the first blush the arguments of the learned counsel for the petitioner sounded convincing, but on a perusal of the records of the authorities, it is seen that a detailed copy has been served on the petitioner informing him the grounds on which he was asked to appear for the enquiry. In fact, the petitioner himself has written a communication, dated 11.05.2017, to the Revenue Divisional Officer, wherein a vakalat has also been filed on his behalf by an advocate. In such circumstances, this Court is of the view that it would not be in the interest of justice to stifle the proceedings at the threshold.

5. In the result, this petition is closed with liberty to the petitioner to be represented by a pleader to put forth his case before the Executive Magistrate. When the presence of the petitioner is absolutely required, the Executive Magistrate may inform the same in writing to his pleader and on that day, the petitioner shall be present for the hearing. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Sub Divisional Magistrate and
Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
2. The Inspector of Police,
Koilpatti Police Station
Koilpatti,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

JKR

PSM/KKR/SAR4/29.06.2017/2P/4C

CRL.O.P. (MD) No.7523 of 2017
20.06.2017