

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.31247 of 2013

and

MP Nos.1 and 2 of 2013

S. Sanath Kumar ... Petitioner

Versus

A.S. Vijay Anand Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the summons issued by the learned Judicial Magistrate No.II, Tiruvallur, dated 30.10.2013 in C.C. No.233 of 2013 and quash the same.

For Petitioner: No appearance

For Respondent: No appearance

O R D E R

The present petition has been filed by the petitioner under Section 482 of Criminal Procedure Code to call for the records on the file of the learned Judicial Magistrate, Tiruvallur in CC No.233 of 2013 and to quash the same.

2. The petitioner is the accused in CC No.233 of 2013 on the file of the learned Judicial Magistrate, Tiruvallur. The specific contention of the petitioner is that summons issued by the learned Magistrate is bereft of necessary details and that a copy of the complaint is not enclosed along with the summons as per Section 204 (3) of the Criminal Procedure Code.

3. A perusal of the private complaint shows that the respondent complainant has filed the complaint in CC No.233 of 2013 before the learned Judicial Magistrate II, Tiruvallur against the petitioner-accused herein for an alleged offence punishable under Section 500 IPC. As per 204 (3) of

Criminal Procedure Code, in a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint.

4. The main contention of the petitioner is that along with the summons a copy of the complaint has not been sent. Merely because a copy of the complaint has not been sent to the petitioner, the entire proceedings pending before the learned Judicial Magistrate II, Tiruvallur in CC No.233 of 2013 cannot be quashed.

5. The summons issued to the accused shows that it contains relevant particulars and in such circumstances, I do not find any reason to quash the proceedings in CC No.233 of 2013 pending on the file of the learned Judicial Magistrate II, Tiruvallur.

6. The learned Judicial Magistrate, Tiruvallur is directed to furnish a copy of the complaint to the petitioner herein, if it is not furnished to him.

7. With the above observation, the petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Judicial Magistrate No.II,
Tiruvallur.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Karthikeyan, Advocate sr.39458

CRL.O.P.No.31247 of 2013

sks[co]
srg 09/07/2018