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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.07.2018
CORAM:
THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
Crl.O.P.(MD).No.892 of 2018
and
Crl.M.P.(MD).Nos.390 and 391 of 2018

1.Ramachandran
2.Alangarasubbu
3.Gopalsamy
4.Gnanasekaran
5.Palanisamy
6.Seenivasan
7.Seenivasan
8.Rangarao
9.Thathaya Nayaker
10.Sathiyabama
11.Kosalai
12.Usha
13.Nirmala
14.Perumalammal ...Petitioners / 'B' Party Nos.4 to 8 & 10 to 18

Vs.

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

2. State represented by
The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District. ...2nd Respondent/Complainant

3.kannan
4.Balamurugan
5.Mupudathi
6.Chinnamuniyasamy
7.Thangamariyappan
8.Pandian
9.Velusamy
10.Muniyasamy
11.Narayanasamy
12.Manju
13.Muthulakshmi
14.Maheswari
15.Rajalakshmi
16.Singammal
17.Meenatchi
18.Pandilakshmi
19.Muniyasamy ...3 to 19 Respondents/'A' Party 1 to 7
20.Duraipandi

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21.Saravanan
22.Paramasivan
23.Nallayanaicker. ...20to23 Respondents/'B' Party 1to3&9

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash the impugned F.I.R. In Crime No.183 of 2017 on the file of the second respondent Police and the consequential proceedings in M.C.No.A1/840/2017 on the file of the Sub Divisional Magistrate and Revenue Divisional Officer, Kovilpatti.

For Petitioners : Mr.R.Murugan
For R-1 & R-2 : Mr.Prabhu Ramachandran
Government Advocate (Crl. side)

ORDER

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

2.On 29.11.2017, the Sub Divisional Magistrate and Revenue Divisional Officer, had issued summons vide proceedings in M.C.No.A1/840/2017, dated 29.11.2017, directing the petitioners to appear before the first respondent on 11.12.2017. Challenging the same, this Criminal Original Petition has been filed seeking to quash the impugned F.I.R. in Crime No.183 of 2017 on the file of the second respondent Police and the consequential proceedings in M.C.No.A1/840/2017 on the file of the Sub Divisional Magistrate and Revenue Divisional Officer, Kovilpatti.

3.The first respondent has not filed any counter affidavit. The second respondent has filed counter affidavit before this Court.

4.The learned counsel appearing for the petitioners has relied upon Section 116 (Sub Section 6) of Cr.P.C. and submitted that as per Section 116 (Sub Section 6) of Cr.P.C., the said proceedings automatically stands terminated, since six months has been lapsed from the date of issuance of summons.

Section 116 (Sub Section 6) of Cr.P.C., 1973, reads as follows:-

> (6) The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs :
>
> Provided that where any person has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention"

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5.When the matter was taken up for hearing on 05.07.2018, the counter affidavit has been filed on the side of the first respondent. Hence the case was directed to be posted today "for orders" to get instructions from the respondents.

6.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.Side) submitted that no instructions has been received from the first respondent.

7.Considering the fact that, in view of Section 116 (Sub Section 6) of Cr.P.C., the proceedings initiated by the first respondent against the petitioners shall stand automatically terminated, this Court has no other option except to quash the proceedings. Accordingly, the summons issued by the Sub Divisional Magistrate and Revenue Divisional Officer, Kovilpatti in M.C.No.A1/840/2017 on the file of the Sub Divisional Magistrate and Revenue Divisional Officer, Kovilpatti, dated 29.11.2017, against the petitioners 4 to 8 and 10 to 18 is hereby quashed.

8.The Criminal Original Petition stands allowed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

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

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

+1CC to Mr.R.Murugan, Advocate, SR.No.72396

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