



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD]No.9453 of 2018
and
Crl.M.P.[MD]Nos.4170 & 4171 of 2018

1.Sheik Hayath
2.Abdhul Kather @ Koya
3.S.M.Akbarbathusa
4.Thaja Ismail
5.S.Habbi Bullah
6.V.H.Amersarsamsu : Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.;
2.The Executive Magistrate and
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City. : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records in EMC No.47/2018 dated 24.04.2018,
on the file of the Executive Magistrate and Deputy Commissioner of
Police, Law and Order, Tirunelveli City and quash the same.

For Petitioners : Mr.N.Mohideen Basha
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the
proceedings in EMC No.47/2018 dated 24.04.2018, on the file of the
Executive Magistrate and Deputy Commissioner of Police, Law and
Order, Tirunelveli City.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned Counsel for the petitioner and the learned
Government Advocate (Crl. Side) for the respondents.



3.Law on this issue has been settled by the Division Bench of this Court in M.Krishnamurthy and Others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another, reported in 2017 (1) MLJ (Crl) 257, wherein this Court has held that challenge of summon issued under Section 107 of the Criminal Procedure Code, cannot be made directly before this Court.

4.In view of the judgment of the Division Bench cited supra, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.;
- 2.The Executive Magistrate and
Deputy Commissioner of Police,
Law and Order,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.[MD]No.9453 of 2018
16.08.2018

MR
ES/RP/SAR 3/18.09.2018/2P/4C