



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl OP(MD)No.15198 of 2018

and

Crl MP(MD)Nos.6719 and 6720 of 2018

Gnanasekaran

... Petitioner

Vs.

1.The Executive Magistrate cum
Thasildar,
Thirupathur,
Sivagangai District.

2.The Sub Inspector of Police,
Thiruppathur Police Station,
Sivagangai District.

3.A.Ayyavu

4.C.Vellaiyan

5.A.Chinnaiah

6.K.Selvam

7.S.Arjunan

8.A.Sivaraman

...Respondents 3 to 8/ A party

9.V.Ganesan

10.R.Ganesan

11.V.Kittu

12.R.Krishnan

13.S.Krishnan

14.M.Shinnaiah



16.M.Selvam

17.V.Ramachandran

18.T.Saravanan

19.R.Muthu

...Respondents 8 to 19 B Party

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned order Na.Ka.No.A5/1890/2018 on the file of the Executive Magistrate cum Tahsildar, Thirupathur and quash the same.

For Petitioners : Mr.A.V.Rajasekaran

For Respondents : Mr.K.Suyambulinga Bharathi,

1 and 2

Government Advocate (Crl Side)

ORDER

This criminal original petition has been filed to quash 107 proceedings initiated by the first respondent.

2.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.

3.The learned Government Advocate would submit that the petitioner belongs to 'A' party and 'B' party has already executed a bond and the 'A' party did not appear before the first respondent. The matter is posted for enquiry on 04.09.2018.

4.In view of the above submission, the petitioner is directed to appear before the first respondent and give his explanation.

5.With the above direction, this criminal original petition stands dismissed. Consequently, CrlMP(MD)Nos.6719 and 6720 of 2018 are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar(CS-I)



To

1.The Executive Magistrate cum
Thasildar,
Thirupathur,
Sivagangai District.

2.The Sub Inspector of Police,
Thiruppathur Police Station,
Sivagangai District.

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

DSK

BU/RSK/SAR-I :17.10.2018 : 3P/4C

Cr1 OP(MD)No.15198 of 2018
28.08.2018