



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD] No.17066 of 2018

and

Cr1.M.P.(MD) Nos.7556 & 7557 of 2018

WEB COPY

1.Kulanthaisamy

2.Esakkimuthu @ Yesurajan

3.Sudalaimuthu @ Ghanaraj

4.Muthupandi

5.Raja

6.Jeya Parvathi

7.Sivakumar

8.Jeyaraman

9.Jeyaraj

: Petitioners

vs.

1.Athishsa Kumar

2.Komaiah

3.Kannan

4.Ganesan

5.Subramaniyan

6.Murugan

7.Arumugam

8.Arumugavel

9.Arasamani

10.Pachayappan



12.Kaliyappan

13.Velu

14.Balan

15.The Inspector of Police,
Manoor Police Station,
Manoor,
Tirunelveli District.
Crime No.90 of 2018

16.The Sub Divisional Magistrate /
The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the impugned proceedings in M.C.No. 75/2018(107) dated on 10.07.2018 on the file of the Sub Divisional Magistrate and Revenue Divisional Officer, Tirunelveli and quash the same.

For Petitioners : Mr.M.M.Manivel Pandian
For R15 & R16 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed challenging the notice of 107 proceedings, issued by the 16th respondent.

2.The petitioners have received summons under Section 111 Cr.P.C., to attend the enquiry to be conducted by the Executive Magistrate, under Section 107 Cr.P.C.

3.The learned counsel for the petitioners would submit that the Executive Magistrate, has not even satisfied himself as to the grounds that are mandatory to be considered under Section 107 Cr.P.C., and has issued the summons in a routine manner. The learned counsel also submitted that the complaint was given in the month of February 2018 and the enquiry has been called for only in the month of July 2018. The Executive Magistrate before issuance of summons has not even satisfied himself as to the existing situation that is prevailing.

4.This Court has carefully considered the submission made by the learned counsel for the petitioners.

5.This Court is not in a position to interfere with the summons issued by the 16th respondent in view of the judgment of Surinderjit



Singh Mand and another vs. The State of Punjab and another reported in (2017) 1 MLJ (Crl) 267.

6. In the facts and circumstances of the case, there shall be a direction to the 16th respondent to complete the enquiry within a period of two weeks from the date of receipt of a copy of this order. The petitioners are directed to submit their explanation before the 16th respondent.

7. This criminal original petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

/True Copy/

Sub Assistant Registrar (CS-III)

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To

1. The Inspector of Police,
Manoor Police Station,
Manoor,
Tirunelveli District.

2. The Sub Divisional Magistrate /
The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

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

- 1 CC TO Mr. M. M. Manivel Pandian, ADVOCATE IN SR No. 86498.
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- DS SKN SAR3 08 11 2018 3P 5C

Crl.O.P. [MD] No. 17066 of 2018

25.09.2018