

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20554 of 2019
and Crl.M.P Nos.10589 & 10590 of 2019

D.Balakrishnan

Petitioner

vs.

The Executive Magistrate-cum-
Deputy Commissioner of Police,
Law & Order,
Coimbatore City.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned summon issued by the respondent herein under Section 111 Cr.P.C., dated 19.07.2019 and quash the same.

For Petitioner : Mr.G. Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to challenge the summon issued by the respondent under Section 111 of Cr.P.C.

2. It is seen from records that the proceeding has been initiated under Section 107 of Cr.P.C. based on the report given by the police and summon has been issued by the respondent under Section 111 of Cr.P.C. This summon has been put to challenge in this petition.

3. The Division Bench of this Court in the case of M.Krishnamurthy and others vs. Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another reported in 2017

(1) MLJ (Crl) 257 has held that the criminal original petition is not maintainable, where it questioned the summon issued by the respondent under Section 111 of Cr.P.C. This Court categorically held that the petitioner will have to necessarily participate in the proceedings and can challenge, only after final orders are passed in the proceedings.

4. This Court is bound by the order of the Division Bench. In view of the above, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Executive Magistrate-cum-
Deputy Commissioner of Police,
Law & Order,
Coimbatore City.

2.The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.G. Karthikeyan Advocate, S.R.No.66023

AD(CO)
CB(24/09/2019)

सत्यमेव जयते

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