

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26296 f 2019

and

Crl.M.P.No.14099 of 2019

Anwar @ Anwar Basha

...Petitioner

Vs.

1. The Taluk Executive Magistrate and Tahsildhar,
Office of Tahsildhar,
Coimbatore North.

2. The Sub-Inspector of Police,
Civil Supply CID,
Coimbatore.

...Respondents

Prayer: Criminal Original petition filed under Section 482 Cr.P.C., to call for the records relating to Na.Ka.No.5462/2019/Aa1 dated 24.09.2019 passed by the Taluk Executive Magistrate, Coimbatore North in pursuance of case registered by the 2nd respondent police in LIR No.05/2019 under Section 110(f)(i)(e) Cr.P.C. and quash the same.

For Petitioner : Mr.C.Prabakaran for
Mr.M.Vinoth

For Respondents : Ms.V.Sarathadevi
Government Advocate (Crl.Side)

O R D E R

The prayer sought for by the petitioner is to quash the summon calling for enquiry by the first respondent.

2 According to the learned counsel for the petitioner, the petitioner is not involved in any of the offences in the recent days and has been appearing regularly before the trial Court in the pending previous cases. It is also stated in the petition that the petitioner is ready to appear before the first respondent for enquiry and under the guise of enquiry there is a harassment on the part of the second respondent.

3 It is needless to point out that there is a duty cast upon the petitioner herein to put forth all his objections before the first respondent, including the grounds raised by him in the present petition, at the time of enquiry, pursuant to the impugned summons. Since the enquiry is being conducted by the first respondent, it would not be appropriate for the second respondent herein to indulge any acts, which may amount to harassment to the petitioner.

4 In the light of the above observations, this Court is of the view that no interference is required to the impugned summon and the petitioner is at liberty to put forth all his objections before the first respondent during the course of enquiry pursuant to the impugned summon.

5 In the light of the above directions, this Criminal Original Petition stands closed. Consequently, connected Criminal Miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Taluk Executive Magistrate and Tahsildhar,
Office of Tahsildhar,
Coimbatore North.
2. The Sub-Inspector of Police,
Civil Supply CID,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Vinoth, Advocate, S.R.No.83692

(CO)
SSM(04/11/2019)

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