



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.3026 of 2019

and

CrI.M.P. (MD) .Nos.1678 & 1679 of 2019

L.G.Sarath Inigo : Petitioner / Respondent
-Vs-

1.The Executive Magistrate
cum Deputy Commissioner of Police (Law and Order),
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station, Tirunelveli.
(LIR No.04/19)

3.Karthika : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings of impugned order in EMC No.11 of 2019, dated 18.02.2019, pending on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Pon Karthikeyan
For R1 & R2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

O R D E R

The present petition now challenges the summon issued under Section 113 Cr.P.C alleging that the learned Executive Magistrate initiated the proceedings against the petitioner under Section 107 Cr.P.C.

2.For the sin of loving the girl from another community, without serving him any notice under Section 111 Cr.P.C. or holding the enquiry under Section 116 Cr.P.C., the learned Executive Magistrate had proceeded to issue the summon under Section 113 Cr.P.C.

3.The learned Government Advocate (Crl. side) concurred that no notice under Section 111 Cr.P.C. has been issued to the petitioner.

4.Since this is a major procedural flaw, the summon now issued under Section 113 Cr.P.C shall necessarily go. Therefore, the



proceedings of the impugned order in EMC No.11 of 2019, dated 18.02.2019, is hereby quashed.

5. In view of the above, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

WLB COPY

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Executive Magistrate
cum Deputy Commissioner of Police (Law and Order),
Tirunelveli City.

2. The Inspector of Police,
Palayamkottai Police Station, Tirunelveli.

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

+1 CC to M/s. R. PON KARTHIKEYAN, Advocate (SR-54365[F] dated 15/03/2019)

TSG

Order made in
CRL.O.P. (MD) No.3026 of 2019
Dated: 15.03.2019

KM/(09.04.2019) 2P 5C