



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:24.09.2019
CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

WEB COPY

Crl.O.P.(MD) No.13280 of 2019
and
Crl.M.P(MD) Nos.8143 and 8144 of 2019

1. A.Srinivasan
2. S.Nambirajan
3. H.Muthukrishnan

...Petitioners/A-Party

Vs.

1. The Executive Magistrate and
Deputy Commissioner of Police
Law and order
Commissioner Office
Tirunelveli city

2. The Inspector of Police
Tachanallur Police Station
Tirunelveli City

... Respondent/Complainant

3. K.Arumugam

...Respondent/B-Party

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned notice issued by the respondent No.1 in EMC No.260/2019 dated 23.06.2019 and quash the same

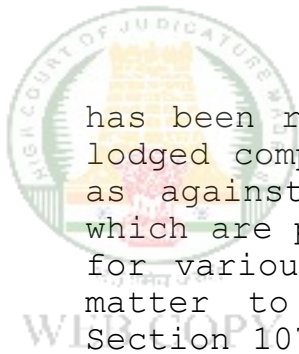
For Petitioner : Mr.V.Balasubramanian

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 & 2 Government Advocate(Crl.Side)

ORDER

This petition has been filed to quash the impugned notice issued by the respondent No.1 in EMC No.260/2019 dated 23.06.2019, thereby summoning the petitioner under Section 113 of Cr.P.C to initiate proceedings under Section 107 of Cr.P.C.

2. The learned counsel for the petitioners would submit that there is civil dispute between the petitioner and the counter parties namely the third respondent herein. Without even considering the same on the false complaint lodged by the third respondent crime



has been registered as against the petitioners. In fact they also lodged complaint and on their complaint a case has been registered as against the third respondent. There are totally three crimes which are pending in Crime Nos.46 of 2019, 47 of 2019 and 82 of 2019 for various offences. Therefore the second respondent referred the matter to the first respondent to initiate proceedings under Section 107 of Cr.P.C. Summons were issued by the first respondent and the petitioners did not appear before the first respondent. Therefore the first respondent invoked notice under Section 113 of Cr.P.C and issued summons to the petitioner to appear before the first respondent on 04.07.2019. He further submitted that the first petitioner is suffering from stroke therefore he is not able to appear before the first respondent.

3. Considering the above facts and the circumstances, the impugned summons is only summons to appear before the first respondent in the proceedings initiated by the first respondent on the reference made by the second respondent. Further the impugned summons were issued to the petitioners directing the petitioners to appear before on 04.07.2019 and now the period is also over. Further considering the illness of the first petitioner, personal appearance of the first petitioner is alone dispensed with before the first petitioner. Insofar as other petitioners are concerned they have to appear before the first respondent on all hearing dates and submit their written submission. On receipt of the written submission the first respondent after conducting enquiry with the petitioner as well as the counter party shall pass orders on merits and in accordance with law within period of eight weeks from the date of receipt of a copy of this order.

4. With the above observations and direction, the Criminal Original Petition stands disposed off. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

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To

1. The Executive Magistrate and
Deputy Commissioner of Police
Commissioner Office
Tirunelveli city

2. The Inspector of Police
Tachanallur Police Station
Tirunelveli City

<https://hcservices.courts.gov.in/hcservices>



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

+1 CC to M/s.V.BALASUBRAMANIAN, Advocate (SR-88794[F] dated
24/09/2019)

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JM/10.10.2019/3P/5C