



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5384 of 2020
and
Crl.M.P.No.3045 of 2020

Suresh Kumar ... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruthuraipoondi,
Tiruvarur. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crl.C.No.399 of 2019/ m 3 on the file of the Sub Divisional Executive Magistrate, Mannargudi and quash the summons dated 17.02.2020.

For Petitioner : Mr.E.Raj Thilak
For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records in Crl.C.No.399 of 2019/m 3 on the file of the Sub Divisional Executive Magistrate, Mannargudi and quash the summons dated 17.02.2020.

2.On 17.02.2020 the petitioner has received summons. The Sub-Divisional Magistrate, Mannargudi has initiated the proceedings in the above mentioned case under Section 107 of Cr.P.C.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence. He further submitted that the Magistrate has initiated a joint enquiry against two groups.

4.Heard both sides and perused the materials available on record.

5.On 17.02.2020, the Executive Magistrate issued summons to the petitioner, to call upon the petitioner to execute a bond for a sum of Rs.1,000/- in pursuance to the report of the respondents herein. On a perusal of the impugned summons, it is noted that it was issued under Form No.14 under Section 113



of Cr.P.C. The next line shows that the Executive Magistrate passed an order under Section 107(1) of Cr.P.C. Therefore, both the provisions mentioned herein shows that no order proceedings have been followed as contemplated under Section 114 of Cr.P.C and the petitioner has not been served with an copy of the order passed under Section 113 of Cr.P.C. Therefore, the entire proceedings initiated against the petitioner cannot be sustained further. Thus, the proceedings initiated as against the petitioner is quashed.

Accordingly, the Criminal Original Petition is quashed. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

- 1.The Sub Divisional Executive Magistrate,
Mannargudi
- 2.The Inspector of Police,
Thiruthuraipoondi,
Tiruvarur.
- 2.The Public Prosecutor,
High Court,
Madras.

Cr1.O.P.No.5384 of 2020

RK(CO)
RMP(14/07/2020)