



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6741 of 2020

P.Saravanan

...Petitioner

Vs.

1. The Executive Magistrate-Cum-
Deputy Commissioner of Police,
Madhavaram District,
Milk Colony, Chennai - 600 051.

2. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records from the first respondent pertaining to the impugned summon issued vide proceedings Na.Ka.No.180.Ex.Mag & Dy.Com of Police, Madhavaram District 2020 dated 11.03.2020 and quash the same against the petitioner.

For Petitioner : Mr.M.R.Senthilkumar

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

ORDER

This Criminal Original Petition has been filed to call for the records from the first respondent pertaining to the impugned summon issued vide proceedings Na.Ka.No.180.Ex.Mag & Dy.Com of Police, Madhavaram, dated 11.03.2020 and quash the same against the petitioner.

2. The learned counsel for the petitioner has submitted that on a complaint lodged by the counter part, the second respondent has forwarded the complaint filed by the petitioner before the first respondent to initiate proceeding under Sections 107, 109 and 110 of Cr.P.C. On the receipt of the same, the first



respondent has issued a notice under Section 111 of Cr.P.C, without following procedure contemplated under Section 110 of Cr.P.C and also without mentioning bond to be executed and period and also directed the petitioner to appear before the first respondent.

3. The learned Additional Public Prosecutor has submitted that though the first respondent has not mentioned anything about the bond amount and the period in the said order, the same will not prejudice the petitioner in any manner. He further submitted that the order passed by the first respondent has not followed the procedure contemplated under section 110 of Cr.P.C.

4. In view of the above submissions, the order passed by the first respondent is not sustainable as the first and second respondents have not followed the procedure contemplated under Sections 110 and 111 of Cr.P.C. Therefore, the said order cannot be sustained as against the petitioner accordingly.

5. With the above observations, this Criminal Original Petition is allowed and set aside the proceedings Na.Ka.No.180.Ex.Mag & Dy.Com of Police, Madhavaram, dated 11.03.2020. However, the first respondent is at liberty to issue fresh notice as contemplated under Section 111 Cr.P.C to the petitioner and proceed in accordance with law. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv



To

1. The Executive Magistrate-Cum-
Deputy Commissioner of Police,
Madhavaram District,
Milk Colony, Chennai - 600 051.

2. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.

3. The Public Prosecutor,
High Court,
Madras.

+1 cc to M.R.Senthil kumar Advocate sr24410

Crl.O.P.No.6741 of 2020

aa01/07/2020