

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.20028 OF 2020

Malarvendhan

.. Petitioner

.Vs.

1. The Sub Divisional Executive Magistrate,
and Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

2. The Inspector of Police,
Town Police Station,
Krishnagiri,
Krishnagiri District.

3. Navaraj

...Respondents

Prayer:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the Na.Ka.No.3786/2020/c dated 09.10.2020 issued by the 1st respondent and quash the same.

For Petitioner : Mr.K.Thiruvengadam

For RR 1 & 2 : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed challenging the summons issued by the 1st respondent under Section 107 of Cr.P.C.

2.The learned counsel for the petitioner submitted that the petitioner has already attended the enquiry before the 1st respondent and the regular functioning of the Church is repeatedly interfered by the 3rd respondent and the 1st respondent has not passed any orders under Section 107 Cr.P.C., Proceedings till date.

3.The learned Government Advocate appearing on behalf of 1st and 2nd respondents submitted that a summon cannot be made as subject matter of challenge under Section 482 of Cr.P.C., and since the petitioner has already attended the enquiry, the 1st respondent will take into consideration the statements collected from the respective parties and necessary action will be taken in accordance with law.

4.In the considered view of this Court, a mere issue of summon asking the parties to appear for an enquiry cannot be interfered by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. Useful reference can be made to the judgment of the Division Bench of this Court in M.Krishnamurthy and Others Vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another reported in 2017 (1) MLJ (Crl) 257. In the present case, the petitioner has already attended the enquiry after the summon was issued to him.

5.In view of the above, this Court is not inclined to interfere with the impugned summons issued by the 1st respondent. There shall be a direction to the 1st respondent to complete the enquiry and pass final orders within a period of four weeks from the date of receipt of copy of this order.

6.This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Sub Divisional Executive Magistrate,
and Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

2. Inspector of Police,
Town Police Station, Krishnagiri,
Krishnagiri District.

3. Public Prosecutor,
High Court, Chennai.

CRL.O.P.No.20028 of 2020

SV(CO)
CS/02/03/2021