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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date :01.03.2021

CORAM

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD) . No.3173 of 2021

and

CrI.M.P(MD) .Nos.1743 and 1744 of 2021

Arumugham

... Petitioner

Vs

1.The Executive Magistrate cum
Deputy Commissioner of Police,
Law and Order,
Tirunelveli city, Tirunelveli.

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

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in EMC.No.198 of 2020 dated 20.10.2020 and quash the same as against the petitioner.

For Petitioner
For Respondents

: Mr.P.Samuel Gunasingh
: Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The present petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the proceedings in EMC.No.198 of 2020 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Law and Order, Tirunelveli District and quash the same.

2.The main grievance of the learned counsel appearing for the petitioner is that the first respondent on the date of issuance of summons under Section 111 of the Code of Criminal Procedure, issued another summon under Section 113 of the Code of Criminal Procedure on the same date. Only in the event of non-compliance of summons under Section 111 of the Code of Criminal Procedure, another summon under Section 113 of the Code of Criminal Procedure can be issued.

3.A perusal of the records shows that the first respondent issued both the notices on the same date and therefore, the orders passed by the first respondent in EMC.No.198 of 2020 dated 20.1.2020 is quashed.



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4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Executive Magistrate cum
Deputy Commissioner of Police,
Law and Order,
Tirunelveli city, Tirunelveli.
2. The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (30.03.2021) 2P 4C