



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28822 of 2022 and

Crl.M.P.No.17660 of 2022

T.Elaiyaraja

...

Petitioner

versus

The State rep by

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Thiruvavarur,
Thiruvavarur District.

2. The Inspector of Police,
Kudavasal Police station,
Thiruvavarur District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records to the impugned summon dated 10.11.2022 vide Na.ka.No.4811/2022/A-5 of the first respondent and quash the same.

For Petitioner : Mr.K.Kalaiyaran

For Respondents : Mr.S.Santhosh



Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the summon dated 10.11.2022 made in Na.ka.No.4811/2022/A-5 issued by the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the summon dated 10.11.2022 under Section 110 of Cr.P.C., has been issued mechanically without any substantial material; no procedure has been followed; the ingredients of Sections 111, 117 and 122 of Cr.P.C., have not been followed by the Authority prior to issuance of the summon dated 10.11.2022; hence the same should be quashed.

4. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that adequate information is given to the petitioner in the summon dated 10.11.2022 and that itself is sufficient to defend himself.



5. At this juncture, the learned Counsel for the Petitioner cited the order of this Court dated 28.09.2022 made in Crl.O.P.No.23159 of 2022 which squarely applicable to the facts and circumstances of the case.

6. As such, this Court by following the order passed in Crl.O.P.No.23159 of 2022, dated 28.09.2022, sets aside the impugned summon dated 10.11.2022 on the ground that the summon issued without substance of information under Section 111 Cr.P.C., and for failure to comply with the mandatory requirements.

7. With these observation, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

24.11.2022

Speaking order / Non-speaking order

Index : Yes / No

vum



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Crl.O.P.No.28822 of 2022



R.N.MANJULA, J.

vum

To

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Thiruvarur,
Thiruvarur District.
2. The Inspector of Police,
Kudavasal Police station,
Thiruvarur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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