



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.2946 of 2022

and

CRL MP (MD)No.2198 of 2022

WEB COPY

Dharmaraj

... Petitioner

Vs.

1. The Executive Magistrate cum
Assistant Commissioner (L&O) West,
Tirunelveli City.

2.The Sub Inspector of Police,
Thachanallur Police Station,
Tirunelveli.

...Respondents/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the summon issued by the Executive Magistrate cum Assistant Commissioner of Police (L&O) West, Tirunelveli city, in his proceedings in EMC(W)No.05/2021, dated 10.12.2021.

For Petitioner : Mr.Aayiram K.Selvakumar

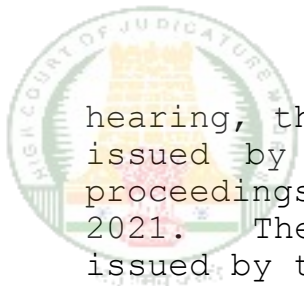
For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crk.Side)

ORDER

This Criminal Original Petition has been filed praying to quash the summon issued by the Executive Magistrate-cum-Assistant Commissioner of Police (L&O) West, Tirunelveli City, in his proceedings in EMC(W)No.05/2021, dated 10.12.2021.

2. The petitioner executed bond under Section 110 of Cr.P.C., on the file of the first respondent, in pursuant to the case registered in LIR No.59 of 2021 on the file of the second respondent, for a period of one year. However, again the petitioner involved in Crime No.363 of 2021 on 20.11.2021

3. In pursuant to the involvement of the petitioner in Crime No.363 of 2021 has been registered for the offences under Sections 294(b), 323, 324 and 506(2) of IPC. On perusal of the impugned summons reveal that the petitioner was called upon to appear on 17.12.2021 for enquiry. Thereafter, the petitioner did not appear before the first respondent. Even after expiry of the said date of



hearing, the petitioner has filed this petition to quash the summons issued by the first respondent. It is only a summon for the proceedings initiated under Section 110 of Cr.P.C in LIR No.59 of 2021. Therefore, this Court finds no illegality in the summons issued by the first respondent.

4. With the above observation, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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
Assistant Commissioner (L&O) West,
Tirunelveli City.
- 2.The Sub Inspector of Police,
Thachanallur Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(28.02.2022) 2P 4C