



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.2839 of 2022

and Crl.M.P(MD) Nos.2122 and 2123 of 2022

WEB COPY

Katturaja

... Petitioner

Vs

1. The Sub Divisional Executive Magistrate
Cum Sub Collector,
Sivakasi,
Virudhunagar District.

2. The Inspector of Police,
Krishnankoil Police Station,
Virudhunagar District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the impugned summon in M.C.No.501/2021 dated 30.11.2021 issued by the Sub Divisional Executive Magistrate, Cum Sub Collector, Sivakasi, Virudhunagar District and Quash the same as against the petitioner.

For Petitioner : Mr.M.Ganeshkamu

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned summon in M.C.No.501/2021 dated 30.11.2021 issued by the Sub Divisional Executive Magistrate, Cum Sub Collector, Sivakasi, Virudhunagar District and to quash the same as against the petitioner.

2. The second respondent has registered a case against the petitioner in Crime No.744 of 2020 for the offence under Section 110 of Cr.P.C. Thereafter the second respondent had registered a case in FIR No.19 of 2021 for the offence under Section 110 of Cr.P.C, based on which the petitioner has executed a bond before the first respondent that he will not indulge in any such activities. Accordingly the first respondent passed an order in MC No.501 of 2021. However the petitioner had involved in another case in Crime No.204 of 2021 for violating the bond on 30.11.2021. Based on the First Information Report, the second respondent had recommended the first respondent to take appropriate action as against the petitioner under Section 122(i)(b) of Cr.P.C. On receipt of the request made by the second respondent, the first respondent had



issued summons for his appearance for an enquiry. In fact the petitioner appeared before the first respondent along with his counsel and sought time for argument on 02.02.2022, which is under challenge before this Court on the ground that the second respondent had repeatedly foisting false case as against the petitioner and as such the proceedings initiated by the first respondent is vitiated.

3. Even according to the case of prosecution on receipt of summons the petitioner appeared before the first respondent on several occasions along with his counsel and sought time on several occasions and the first respondent also granted time on three occasions and finally posted to 02.02.2022 for appearance and arguments of the petitioner. After having been appeared before the first respondent, now, the petitioner has come forward with this petition challenging the summons issued by the first respondent.

4. This court finds that there is no illegality or infirmity in the summons issued by the first respondent, hence the petition is liable to be dismissed.

5. In the result, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are also closed

Sd/-
Assistant Registrar(AD-II)

/TRUE COPY/

/ /2022
Sub Assistant Registrar (CS)

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To

1. The Sub Divisional Executive Magistrate
Cum Sub Collector,
Sivakasi, Virudhunagar District.
2. The Inspector of Police,
Krishnankoil Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.2839 of 2022
10.02.2022

MK/25.02.2022/2P/4C