



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 25.02.2022

CORAM:

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

Crl.O.P. (MD) No.3840 of 2022

Kannan

...Petitioner

Vs.

1. The II Class Executive Magistrate  
Cum Thasildar  
Thiruvadanai  
Ramanathapuram District

2. The Inspector of Police  
Thondi Police Station  
Ramanathapuram District

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the summon in M.C, No.15/2022 passed by the 1<sup>st</sup> respondent dated 19.01.2022 quash the same.

For Petitioner : M/s.C.Susi Kumar  
For Respondents : Mr.R.M.Anbunithi  
No.1 & 2 Additional Public Prosecutor

### **ORDER**

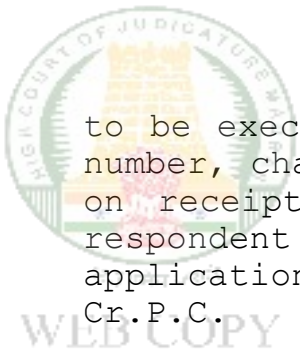
This petition has been filed seeking direction to call for the records relating to the summon in M.C, No.15/2022 passed by the 1<sup>st</sup> respondent dated 19.01.2022 quash the same.

2. On persual of the impugned summons it is revealed that there is no substance of the information stating why the petitioner was called for enquiry , amount of bond, duration of bond as well as nature of sureties, number and character of sureties have not been mentioned in the summon. Further subjective satisfaction have not been mentioned by the first respondent in the impugned summons. It is relevant to extract the provisions under Section 111 of Cr.P.C, which reads as follows:

#### **"111. Order to be made**

*When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required"*

3. The first respondent ought to have passed the impugned order containing the substance of information received, the amount of bond



to be executed , the terms for which it is to be in force and the number, character and class of sureties which is in force. However on receipt of information from the second respondent, the first respondent mechanically issued the impugned summons without application of mind and it is totally contrary under Section 111 of Cr.P.C.

4. In view of the same, the impugned order passed by the first respondent is set aside and the first respondent is directed to issue fresh summons to the petitioner by complying with the provisions under Section 111 of Cr.P.C.

5. With the above direction, the Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The II Class Executive Magistrate  
Cum Thasildar  
Thiruvadanai  
Ramanathapuram District
2. The Inspector of Police  
Thondi Police Station  
Ramanathapuram District
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai.

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SK(CO)  
KB(07.03.2022) 2P 4C