



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4650 of 2022

in

Crl.M.P(MD)Nos.3278 & 3279 of 2022

WEB COPY

M.Karunanithi

... Petitioner

Vs.

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Office of the Sub Divisional Magistrate,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned summon in M.C.No.18 of 2022 dated 15.02.2022 issued by the first respondent and quash the same.

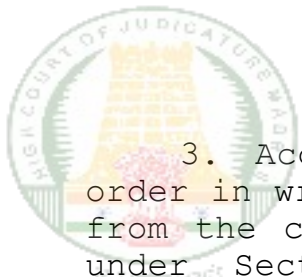
For Petitioner	:	Mr.T.Veerakumar
For Respondents	:	Mr.R.M.Anbunithi Additional public Prosecutor (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to quash the impugned summon in M.C.No.18 of 2022 dated 15.02.2022 issued by the first respondent.

2. A perusal of the impugned summon issued under Section 111 Cr.P.C shows that, it was issued mechanically without stating any substance of information issued from the second respondent. Section 111 Cr.P.C is 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. Accordingly, the first respondent ought to have made an order in writing setting forth the substance of information received from the concerned police. Admittedly, the impugned notice issued under Section 111 Cr.P.C does not contain any substance of information received from the second respondent. On the very same ground itself, the impugned notice is liable to be quashed. Accordingly, this Criminal Original Petition is allowed. However, the first respondent is at liberty to issue fresh notice to the petitioner in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Sub Divisional Magistrate cum
Revenue Divisional Officer,
Office of the Sub Divisional Magistrate,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Emaneswaram Police Station,
Ramanthapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-11767[F] dated 14/03/2022)

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