



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD) No.7221 of 2022

and

Crl.M.P(MD) No.4950 of 2022

Sandhuru

... Petitioner

Vs.

1. The II Class Executive Magistrate cum Tahsildar,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records of the proceedings initiated by first respondent in M.C.No.76 of 2022, dated 01.04.2022 and quash the said proceedings as against the Petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings initiated by first respondent in M.C.No.76 of 2022, dated 01.04.2022.

2. On the information received from the second respondent, the first respondent issued summons under Section 111 Cr.P.C and thereby, calling upon the petitioner to appear for enquiry to be held on 11.04.2022 for initiation of proceedings under Section 110 Cr.P.C.

3. A perusal of the impugned summon issued under Section 111 Cr.P.C, revealed that there is no substance of information received from the second respondent. The amount of bond will be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required are not mentioned in the summon.

4. Accordingly, it contains the information with regards to the substance of information received, the amount of 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 as stated supra.



5. A perusal of the impugned summon does not contain any details as contemplated under Section 111 Cr.P.C. Therefore, it cannot sustain as against the petitioner and is liable to be quashed.

6. Accordingly, the proceedings initiated by the first respondent in M.C.No.76 of 2022, dated 01.04.2022, is set aside and the Criminal Original Petition is allowed. However, the first respondent is at liberty to issue fresh summon under Section 111 Cr.P.C in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The II Class Executive Magistrate cum Tahsildar,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.7221 of 2022
20.04.2022

CK(CO)

GC(10.05.2022) 2P 4C