



WEB COPY

CrI.O.P(MD)No.7464 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P(MD)No.7464 of 2022

and

CrI.M.P(MD)No.5085 of 2022

Fayas Ahamed

... Petitioner

Vs.

1.The Sub Divisional Executive Magistrate/
The Revenue Divisional Officer,
O/o.The Executive Magistrate/
The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

2.The Inspector of Police,
Sethubavu Sathiram Police Station,
Thanjavur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with the impugned proceedings in M.C. unnumbered/2022/A3, dated 04.02.2022 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.K.Navaneetharaja

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (CrI. Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in M.C.unnumbered/2022/A3, dated 04.02.2022 on the file of the first respondent.

2.The first respondent initiated a proceedings against the petitioner contemplated under Section 107 of Cr.P.C., since he received information from the second respondent that the petitioner indulged in the act of affecting public tranquility. In this connection, the first respondent sent a notice to the petitioner contemplated under Section 113 of Cr.P.C. The summon under Section 113 of Cr.P.C will arise, when the petitioner was served with notice under Section 111 of Cr.P.C. and thereafter if such person is not present in Court, the first respondent shall issue in a summons requiring him to appear for the enquiry under Section 113 of Cr.P.C. In the case on hand, admittedly the first respondent herein did not issue any summon to the petitioner under Section 111 of Cr.P.C. The first respondent had perused the information of the second



respondent as if we issued summon under Section 113 of Cr.P.C. without issuing notice under Section 111 of Cr.P.C.

3.In view of the above, the impugned summon cannot be sustained as against the petitioner without issuing any notice under Section 111 of Cr.P.C. However, the first respondent is at liberty to issue notice under Section 111 of Cr.P.C. in accordance with law and for proceed further as against the petitioner.

4.Accordingly the Criminal Original Petition stands allowed and the proceedings in M.C. unnumbered/2022/A3, dated 04.02.2022 on the file of the first respondent is hereby quashed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

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 Executive Magistrate/
The Revenue Divisional Officer,
O/o.The Executive Magistrate/
The Revenue Divisional Officer,
Pattukottai, Thanjavur District.
- 2.The Inspector of Police,
Sethubavu Sathiram Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.7464 of 2022
and
Crl.M.P(MD)No.5085 of 2022
22.04.2022

_RD(25.05.2022) 2P 4C