



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.04.2022
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P(MD)No.7354 of 2022
and
Crl.M.P(MD)Nos.5018 and 5019 of 2022

Shanmuganathan

... Petitioner

Vs.

1.The Second Class Administrative Magistrate
and Thasildar,
Ramanathapuram,
Ramanathapuram District.

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

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in M.C.No.(A3)/156/2022, dated 05.04.2022, pending on the file of the first respondent herein and quash the same.

For Petitioners : Mr.D.Rameshkumar
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in M.C.No.(A3)/156/2022, dated 05.04.2022 pending on the file of the first respondent.

2.The first respondent initiated a proceedings against the petitioner contemplated under Section 110(e) 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.No.(A3)/156/2022, dated 05.04.2022 on the file of the first respondent is hereby quashed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Second Class Administrative Magistrate and Thasildar,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.7354 of 2022

and

Crl.M.P(MD)Nos.5018 and 5019 of 2022

Date:22.04.2022

SA(30.05.2022) 2P 4C