



8BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

WEB COPY

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

Crl.O.P.(MD) No.8108 of 2022

Ananda Praphu

...Petitioner

Vs.

1.The Sub Divisional Magistrate Cum Revenue
Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records pertaining to the impugned proceedings in M.C.No.466 of 2021 on the file of the Sub Divisional Magistrate Cum Revenue Divisional Officer, Paramakudi and quash the same as illegal.

For Petitioner : Mr.B.Arun
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

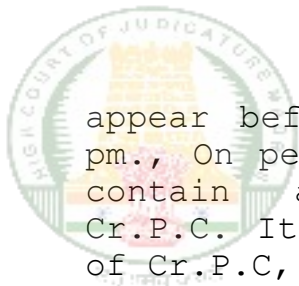
ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings in M.C.No.466 of 2021 on the file of the Sub Divisional Magistrate Cum Revenue Divisional Officer, Paramakudi.

2. The first respondent initiated proceedings under Section 107 of Cr.P.C. r/w 111 of Cr.P.C. as against the petitioner on the representation of the second respondent. The second respondent made request alleging that there is likelihood that the petitioner may cause breach of peace in his locality by his illegal activities.

3. On receipt of the information the first respondent issued notice under Section 107 of Cr.P.C. r/w 111 of Cr.P.C in MC.No.466 of 2021, dated 25.03.2021, thereby calling upon the petitioner to

<https://hcservices.ecourts.gov.in/hcservices/>



appear before the first respondent on 29.03.2021 at about 03.00 pm., On perusal of the impugned summon it is seen that it does not contain any basic ingredients as required under Section 111 of Cr.P.C. It is relevant to extract the provisions under Section 111 of Cr.P.C, which reads as follows:

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"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"

4. 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, whereas the first respondent mechanically issued the impugned summons without application of mind and it is totally contrary under Section 111 of Cr.P.C.

5. In view of the same, the impugned order passed by the first respondent in MC.No.466 of 2021, dated 25.03.2021 is set aside and the Criminal Original Petition is allowed. The first respondent is at liberty to issue fresh summons to the petitioner by complying with the provisions under Section 111 of Cr.P.C in the manner known to law.

Sd/-

Assistant Registrar (CO)

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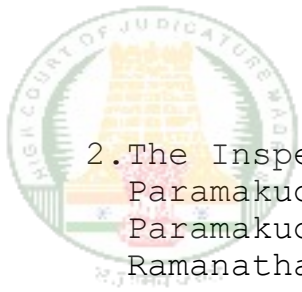
Sub Assistant Registrar(CS)

vsd

To

1.The Sub Divisional Magistrate Cum Revenue
Divisional Officer,
Paramakudi,
Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.ARUN, Advocate (SR-22612[F] dated 29/04/2022)

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MK/25.05.2022/3P/5C