



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.05.2022

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P. (MD)No.8933 of 2022

&

Crl.M.P. (MD)No.5983 of 2022

M.Neduncheliyan

... Petitioner/Respondent

Vs

1. The II Class Executive Magistrate Cum Thasildar,
Tiruvadanai,
Ramanathapuram District.

2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(LIR No.23/2022)..

... Respondents/Complainants

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C to call for the Records made in M.C.No.56 of 2022 dated 08.04.2022 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Iniyavan

For Respondents : Mrs.M.Aasha

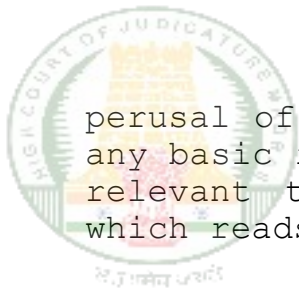
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the records made in M.C.No.56 of 2022 on the file of the first respondent and quash the same.

2.The first respondent initiated proceedings under Section 110 of Cr.P.C as against the petitioner, on the representation of the second respondent. The second respondent made a 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 has issued notice under Section 111 of Cr.P.C in M.C No. 56 of 2022, dated 08.04.2022, thereby calling upon the petitioner to appear before the first respondent on 12.04.2022 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:

"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, 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 M.C No. 56 of 2022, dated 08.04.2022 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. Consequently connected miscellaneous petition is also closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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.

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



To:

1. The II Class Executive Magistrate Cum Thasildar,
Tiruvadanai,
Ramanathapuram District.
2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. INIYAVAN, Advocate (SR-23915[F] dated 20/05/2022)

ORDER IN

Crl.O.P. (MD)No.8933 of 2022
& Crl.M.P. (MD)No.5983 of 2022

19.05.2022

CK (CO)

GC(01.06.2022) 3P 5C