



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMIL SELVI

CRL.O.P (MD) No.9571 of 2022

in

Crl.MP.(MD)No.6141 of 2022

WEB COPY

Ma.Ka.Stalin

... Petitioner/Respondent

Vs

1.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Revenue Division Office,
Kumbakonam.

2.The State rep.by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District. ... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned order in Na.Ka.No.3009-2002A-4, dated 29.04.2022 on the file of the respondent and quash the same as illegal.

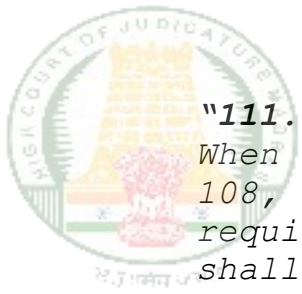
For Petitioner : Mr.A.Joel Paul Antony, A.
For Respondents : Ms.M.Aasha,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed for a direction to call for the records pertaining to the impugned order in Na.Ka.No.3009-2002A-4, dated 29.04.2022 on the file of the respondent and quash the same as illegal.

2. 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 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 110 of Cr.P.C. in Na.Ka.No.3009-2002A-4, dated 29.04.2022, thereby calling upon the petitioner to appear before the first respondent on 06.05.2022 at about 11.00 a.m., 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



"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 in Na.Ka.No.3009-2002A-4, dated 29.04.2022 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

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

To

1.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Revenue Division Office, Kumbakonam.

2.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.

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

+1 CC to M/s.A. JOEL PAUL ANTONY, Advocate (SR-23945[F] dated 20/05/2022)

Order made in
CRL.O.P (MD) No.9571 of 2022
19.05.2022

SS/26.05.2022 : 2P/5C

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