

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.15857 of 2022

and

Crl.M.P.(MD) No.10495 of 2022

Ramakrishnan

...Petitioner

VS

1.The Revenue Inspector of Police,
O/o. the Revenue Divisional Officer,
Usilampatti,
Madurai.

2.The Sub Inspector of Police
Usilampatti Police Station,
Madurai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the order in Na.Ka.No. 3342/2022/A1 dated 02.08.2022 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.Sivakumar

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Na.Ka.No.3342/2022/A1 dated 02.08.2022 on the file of the 1st Respondent.

2.The learned Counsel for the Petitioner would submit that the Petitioner was employed as a Teacher in T.Kallupatti Government School. His wife is serving as Ward Member in T.Kallupatti. Due to political animosity, the Petitioner was framed in POCSO case and he had been suspended. Now, without giving proper reason, the Executive Magistrate, the first Respondent had issued summons to the Petitioner regarding enquiry with reference to Section 110 (e) Cr.P.C., proceeding.

3.It is the further submission of the learned Counsel for the Petitioner that the summons do not contain any grounds regarding sum and substance of the apprehension. It is vague as such. Therefore, the learned Counsel for the Petitioner seeks to quash the summons issued by the first Respondent, Executive Magistrate.

4.The learned Government Advocate (Crl.side) appearing for the Respondents vehemently objects to quash the summons issued by the first Respondent, Executive Magistrate. It is the submission of the learned Government Advocate (Crl.side) that two cases are pending against the Petitioner herein, among which one offence is under the provisions of POCSO Act and the other one is under the provisions of NDPS Act. Therefore, the learned Government Advocate (Crl.side) vehemently objects to quash the summons issued by the 1st Respondent, Executive Magistrate.

5.The learned Counsel for the Petitioner in support of his contention relied on the ruling of the Division Bench of this Court in Crl.O.P.(MD) No. 17684 of 2015 (***M.Krishnamurthy and others Vs. The Sub Divisional Officer, Krishnagiri, and another***), in which he had relied on Paragraph No.20 of the said order, which reads as under:-

"20. The expression "substance of the information received" has been explicated in paragraph 37 of Madhu Limaye (supra), which reads as under:

"Since the person to be proceeded against has to show cause, it is but natural that he must know the grounds

for apprehending a breach of the peace or disturbance of the public tranquillity at his hands. Although the section speaks of the substance of the information it does not mean that the order should not be full. It may not repeat the information bodily but it must give proper notice of who was moved the Magistrate to take the action. This order is the foundation of the jurisdiction and the word substance means the essence of the most important parts of the information.””

6.Considering the summons issued by the first Respondent, Executive Magistrate, the contents of the summons are found vague. Therefore, based on the said ruling of the Division Bench of this Court, the proceeding in Na.Ka.No.3342/2022/A1 dated 02.08.2022 is quashed.

7.This Criminal Original Petition is allowed, accordingly. Consequently, connected miscellaneous petition is closed.

Internet:Yes./No
Index:Yes/No
mm

13.09.2022

To

- 1.The Revenue Inspector of Police,
O/o. the Revenue Divisional Officer,
Usilampatti,
Madurai.
- 2.The Sub Inspector of Police
Usilampatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SATHI KUMAR SUKUMARA KURUP, J.

mm

CRL.O.P (MD) No.15857 of 2022

13.09.2022