

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD).No.15682 of 2022
and Crl.M.P.(MD).No.10333 of 2022

V.Karmegam

... Petitioner/Respondent

Vs.

1.The Second Class Executive Magistrate / The Tahsildar,
Office of the Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

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

3.The Sub Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records connected to the summons/Proceedings in MC.No. 4/02/2022, dated 04.08.2022, pending on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.R.Sivakumar
Government Advocate

ORDER

This Criminal Original Petition has been filed seeking to quash the summons/Proceedings in MC.No. 4/02/2022, dated 04.08.2022, pending on the file of the respondent No.1.

2. The learned Counsel for the Petitioner submits that to sum and substance of the allegations made against the petitioner in the complaint, based on which, the FIR had been filed, number of cases have to be given. The learned Counsel for the Petitioner invited the attention of this Court to the summons issued by the Tahsildar, Second Class Executive Magistrate, Keelakarai, in which, the sum and substance of the antecedents of the petitioner as per the Report of the Sub Inspector of Police is to be stated, but, it is not done. The learned Counsel for the Petitioner further invited the attention of this Court to the copy of the summons enclosed along with the petition and seeks to quash the proceedings of the learned Second Class Executive Magistrate / Tahsildar in MC.No. 4/02/2022.

3. The learned Additional Public Prosecutor concedes that there is no FIR pending as on the date against the Petitioner and submits that

there are only complaints are pending against him.

4. When there is no FIR pending against the petitioner with the second and third respondents, the summons issued by the first respondent is found devoid of particulars. Therefore, the summons/Proceedings in MC.No. 44/02/2022, dated 04.08.2022, pending on the file of the respondent No.1 is quashed.

5. Accordingly, this Criminal Original Petition is Allowed. Consequently, connected Miscellaneous Petition is closed.

06.09.2022

Index : Yes/No

Internet : Yes/No

TM

To

- 1.The Second Class Executive Magistrate / The Tahsildar,
Office of the Tahsildar, Keelakarai Taluk, Ramanathapuram District.
- 2.The Inspector of Police, Thirupulani Police Station,
Ramanathapuram District.
- 3.The Sub Inspector of Police, Thirupulani Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

SATHI KUMAR SUKUMARA KURUP. J.

TM

Crl.O.P.(MD)No.15682 of 2022

06.09.2022