

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.09.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.15689 of 2022

and

Crl.M.P(MD)No.10345 of 2022

V.Kajini Raj

...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 filed under Section 482 Cr.P.C. praying to call for the entire records connected to the summons/proceedings in M.C.No. 44/40/2022, 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(Crl.Side)

ORDER

This petition is filed to quash the proceedings in M.C.No.94/40/2022, dated 04.08.2022 pending on the file of the first Respondent.

2.The learned Counsel for the Petitioner submitted that the first Respondent had issued summons under Section 110(e) of Cr.P.C. It is the submission of the learned Counsel for the Petitioner that the sum and substance of the case pending against the Petitioner had not been mentioned in the summons issued by the first Respondent as per the report of the respondents 2 and 3.

3. He would further submit that a similar petition was allowed by this Court against this Petitioner in Crl.O.P(MD)No.15127 of 2022 with regard to the case filed against this Petitioner by the second Respondent, which was registered in Crime No.79 of 2017. The learned Counsel for the Petitioner furnished the copy of the order passed in Crl.O.P(MD)No.15127 of 2022, dated 24.08.2022. Therefore, it is submitted by the learned Counsel for the

Petitioner that as on date there is no case is pending against this Petitioner. Therefore, he seeks to quash the summon issued by the first Respondent.

4. The learned Government Advocate (Crl.side) appearing for the Respondent Police conceded that the Petitioner in Crl.O.P(MD)No.15127 of 2022 was allowed on 24.08.2022 and also there is no case registered after the case that was quashed in Crl.O.P(MD)No.15127 of 2022.

5.The submission of the learned Counsel for the Petitioner that the sum and substance of the case pending against this Petitioner, as on date, had not been stated in the summons, is found acceptable by this Court. Accordingly, this Criminal Original Petition is allowed. The summons issued in M.C.No.A4/40/2022, dated 04.08.2022 on the file of the first Respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

06.09.2022

Index:Yes/No

vsd

To

- 1.The Second Class Executive Magistrate/
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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.

Crl.O.P.(MD)No.15689 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

vsd

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