



Crl.O.P.(MD) No.15729 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.15729 of 2022

and

CrI.M.P.(MD) No.10404 of 2022

- 1.Mayaloganathan
- 2.Prathap
- 3.Harish
- 4.Perumal
- 5.Kumar

...Petitioners

vs

- 1.The Revenue Divisional Officer cum
Sub Divisional Magistrate, Uthamapalayam Taluk,
Theni District.
- 2.The Inspector of Police
CUMBUM South Police Station,
Theni District.
- 3.Rajagurupandiyan
- 4.Ajith Kumar
- 5.Kaleeshwaran
- 6.Sureshkumar
- 7.Arasamani
- 8.Parthasarathy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the entire records in relating to the impugned proceedings



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of the 1st respondent in Na.Ka.No.4485/2022/A2 dated 26.08.2022 and to quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.A.Gowthaman
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings of the 1st Respondent in Na.Ka.No.4485/2022/A2 dated 26.08.2022.

2.When the case came up for hearing, the learned Counsel for the Petitioners placed reliance on the order passed by this Court in Crl.O.P. (MD) No.3823 of 2019, dated 14.03.2019. He would further submit that the very same order holds good for the present also.

3.It is the further submission of the learned Counsel for the Petitioners that the learned Executive Magistrate, the 1st Respondent without following the mandatory provisions had straight away issued summons to the Petitioners under Section 113 Cr.P.C., Therefore, he seeks to quash the summons issued by the learned Executive Magistrate, the 1st Respondent.



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4.The learned Government Advocate (Crl.side) for the Respondents 1 and 2 fairly concedes that the Executive Magistrate, the 1st Respondent has not issued any notice under Section 111 Cr.P.C.

5.Considering the submission of the learned Counsel for the Petitioners and the learned Government Advocate (Crl.side) for the Respondents 1 and 2, this Court necessarily has to quash the impugned summons issued under Section 113 Cr.P.C., and the same is quashed.

6.Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

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

16.09.2022

To

1.The Revenue Divisional Officer cum
Sub Divisional Magistrate, Uthamapalayam Taluk,
Theni District.

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SATHI KUMAR SUKUMARA KURUP, J.

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- 2.The Inspector of Police
CUMBUM South Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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