



Crl.O.P.(MD) No.16492 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 19.09.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD) No.16492 of 2022

and

Crl.M.P(MD)Nos.10984 and 10985 of 2022

K.Pradeep Menon

..Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer
Kovilpatti, Thoothukudi District

2.The Sub Inspector of Police,
Kadaladi Police Station
Thoothukudi District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Impugned Order in Na.Ka.No.A1/M.C.No.574/2022 dt.2.9.2022 on the file of the Respondent No.1 directing the Petitioner to appear before enquiry related to the Registration of case U/s.110 of Cr.P.C and quash the same as illegal.

For Petitioner	: Ms.A.Victoria
For R1	: Mrs.K.Christy Theboral Additional Government Pleader
For R2	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor



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ORDER

WEB COPY This petition is filed to quash the proceedings initiated by the first Respondent in Na.Ka.No.A1/M.C.No.574/2022 dt.2.9.2022 as against the Petitioner under Section 113 of Cr.P.C.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner was issued summons under Section 110 of Cr.P.C. It is the further submission of the learned Counsel for the Petitioner that except one case no other case is pending against him. It is the further submission that in the summons the specific case pending against him is not mentioned. It is also further submitted that the complaint was lodged by the sales women in the ration shop based on which case has been registered.

3. The learned Additional Public Prosecutor would submit that only case pending against the Petitioner is also disposed.



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4. On consideration of the rival submissions, it is found that as rightly pointed out by the learned Counsel for the Petitioner the summons issued to the Petitioner does not mention the crime number or the case pending against him.

5. On consideration of the same and the reliance placed by the learned counsel for the Petitioner that on the same set of facts on an earlier occasion, the learned Single Judge of this Court had allowed the petition in ***Crl.O.P(MD) No.6888 of 2020*** dated 16.07.2020 in the case of ***Raja Hussain .vs. The Second Class Executive Magistrate cum Tahsildhar and another.***

6. On consideration of the rival submission of both side Counsels the contention of the learned counsel for the Petitioner is found reasonable one and the contentions of the learned Government Advocate(Crl. Side) is rejected in the light of the argument of the learned Counsel for the Petitioner that the sum and substance of the case had not been mentioned in the summons as per the provisions of the Code of Criminal Procedure.



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WEB COPY 7. Accordingly, this Criminal Original Petition is allowed. The impugned order dated 02.09.2022 on the file of the first Respondent is hereby quashed. Consequently, connected miscellaneous petitions are closed. However, considering the facts and circumstances of the case, the first Respondent is at liberty to issue fresh summons after following the modalities which are required under Section 110 of Cr.P.C.

19.09.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
aav

To

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer
Kovilpatti, Thoothukudi District
2. The Sub Inspector of Police,
Kadaladi Police Station
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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