



Crl.O.P.(MD) No.16781 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 25.11.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD) No.16781 of 2022

and

Crl.M.P(MD)No. 11225 of 2022

Vaitheeswaran

..Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer
Paramakudi, Ramanathapuram District

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

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the entire records relating to the impugned proceedings
of the first Respondent in M.C.No.221 of 2022 dated 20.07.2022 and to
quash the same.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.R.Sivakumar
Government Advocate(Crl.Side)



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ORDER

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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.

3. The learned Government Advocate(Crl.Side) would submit that four cases are pending against him. No history sheet is maintained on the file of the second Respondent.

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 or cases pending against him.



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5. 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. Also the Petitioner is not a history sheeter as per the query of this Court to the learned Government Advocate(Crl.Side)

6.Accordingly, this Criminal Original Petition is allowed. The impugned order passed by the first Respondent in M.C.No.221/2022 dated 20.07.2022 on the file of the first Respondent is hereby quashed. Consequently, connected miscellaneous petition is closed. The first Respondent is at liberty to issue fresh summons after following the modalities which are required under Section 110 of Cr.P.C.

25.11.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To
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- 1.The Sub Divisional Magistrate cum
Revenue Divisional Officer
Paramakudi, Ramanathapuram District
- 2.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram 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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