



*Crl.O.P.(MD) No.16710 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 25.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD) No.16710 of 2022

and

CrI.M.P(MD)No. 11163 of 2022

Muthukumar

..Petitioner

Vs.

1.The Sub Divisional Magistrate cum  
Revenue Divisional Officer  
Thirumangalam, Madurai District

2.The Sub Inspector of Police,  
Thirumangalam Town Police Station,  
Madurai District

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C.  
praying to call for the records relating to the summon in M.C.No.  
3361/2022/A1 dated 09.09.2022 quash the same as illegal as against the  
Petitioner.

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



*Crl.O.P.(MD) No.16710 of 2022*

## **ORDER**

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This petition is filed to quash the proceedings initiated by the first Respondent in M.C.No.3361/2022/A1 dated 09.09.2022.

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 only one case pending against the Petitioner.

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.



*Crl.O.P.(MD) No.16710 of 2022*

**WEB COPY** 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.3361/2022/A1 dated 09.09.2022 on the file of the first Respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

**25.11.2022**

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



*Crl.O.P.(MD) No.16710 of 2022*

To

WEB COPY

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



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*Crl.O.P.(MD) No.16710 of 2022*

**SATHI KUMAR SUKUMARA KURUP, J.**

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**25.11.2022**