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Crl.O.P.(MD)No.18048 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.10.2022**

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Crl.O.P.(MD) No.18048 of 2022
and
Crl.M.P.(MD) Nos.12040 & 12041 of 2022

1.Manigandan

2.Sathaiah

.. Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District.
(Cr.No.97 of 2021)

2. Mangudi

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining the summon dated 06.09.2022 in P.R.C.No.27 of 2022 on the file of the District Munsif Cum Judicial Magistrate, Thirumayam and quash the same.

For Petitioners : Mr.K.Baalasundharam

For 1st Respondent : Mr.S.Manikandan
Government Advocate

For 2nd Respondent : Mr.Senthil Murugan



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ORDER

This petition has been filed seeking to set aside the summon dated 06.09.2022 in P.R.C.No.27 of 2022 issued by the learned District Munsif Cum Judicial Magistrate, Thirumayam.

2.The learned counsel for the petitioners submitted that the petitioners are not accused as alleged in the complaint. Though the petitioners' names were not found in the final report, they apprehend arrest by virtue of summons issued and hence, they moved an anticipatory bail application before this Court in Crl.O.P.(MD) No.16475 of 2022, in which, the learned Government Advocate informed that the petitioners' names were removed from the charge sheet and hence, the anticipatory bail petition was closed. Since there is no involvement of the petitioners in the said crime, their names were rightly removed after completion of the investigation. But, the learned Judicial Magistrate, Thirumayam, is not agreeable for removal of names of the petitioners from the final report, issued a summons and hence, the petitioners pray to quash the summons, dated 06.09.2022.



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3. Perusal of records shows that the names of the petitioners were not found place in the final report filed by the respondent police.

However, the learned Judicial Magistrate, Thirumayam, has issued summons to the petitioners, dated 06.09.2022, for their appearance on 08.09.2022, as if they are accused persons.

4. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court directs the petitioners to appear before the concerned Magistrate Court and file a petition to recall the summons, dated 06.09.2022, on the same day itself, stating the above facts.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petitions are closed.

07.10.2022

Index : Yes/No
Internet : Yes/No
SM/BTR



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To

1. The District Munsif Cum Judicial Magistrate,
Thirumayam.
2. The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI. J.

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