



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.20662 of 2021

and

Crl.M.P(MD)Nos.11761 & 11765 of 2021

Velmurugan

... Petitioner/Accused

Vs.

1. The Executive Magistrate cum Revenue Divisional Officer,
Kovilpatti Revenue Divisional,
Thoothukudi District. ... 1st Respondent

2. The Sub Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
(Crime No.94 of 2021) ... 2nd Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned proceedings initiated by the first respondent vide Na.Ka.A1/10665/21, dated 01.12.2021 and quash the same as illegal.

For Petitioner : Mr.Sivabalan
for M.Prabhu

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to challenging the summon issued by the first respondent, vide Na.Ka.A1/10665/21 dated 01.12.2021 and thereby directing the petitioner to appear for enquiry for violation of bond condition executed under Section 110 Cr.P.C for a period of one year. Already proceedings have been initiated and accordingly, the petitioner executed a bond for a period of one year under Section 110 Cr.P.C on 01.11.2021. While pending the bond period, again, the petitioner had committed offences in Crime No.94 of 2021 under Sections 341, 294(b), 323 and 504 and Section 4 of Tamil Nadu Women Harassment Act on the file of the second respondent. At the request of the second respondent, the first respondent issued summons, dated 01.12.2021 to call upon the



petitioner to appear on 13.12.2021 for violation of the bond condition.

2. The learned counsel for the petitioner would submit that the first respondent without following the procedure as contemplated under the Criminal Procedure Code, mechanically issued summon and as such, it is liable to be quashed. Further, he would submit that the offences registered as against the petitioner do not categorically fall for the offence under Section 110 Cr.P.C. It is seen from the impugned summons that the petitioner was called for enquiry for violation of the condition with regard to execution of bond for a period of one year under Section 110 Cr.P.C. Already the petitioner executed bond under Section 110 Cr.P.C and now, the petitioner was called upon to attend the enquiry for further proceedings to be initiated as against the petitioner for violation of the bond period by involving another crime in Crime No.94 of 2021. Therefore, this Court finds no infirmity in the summons issued by the first respondent.

3. This Criminal Original Petition is dismissed. It is made clear that the first respondent is directed to proceed with the enquiry after giving opportunity for hearing to the petitioner and pass orders on merits and in accordance with law for violation of bond period. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

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

<https://hcservices.thoothukudi.nic.in/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.PRABU, Advocate (SR-9894[F] dated 03/03/2022)

Crl.O.P (MD) No.20662 of 2021
01.03.2022

RD(17.03.2022) 3P 5C