



Crl.O.P.Nos.15838, 16292 and 16296 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 07.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.15838, 16292 and 16296 of 2021

and

Crl.M.P.Nos. 8835, 8837 and 8638 of 2021

- | | |
|----------------------|---|
| 1.E.Jagadeesh babu, | ...Petitioner in Crl.O.P.No.15838 of 2021 |
| 2.Y.Mohanraj @ Mohan | ...Petitioner in Crl.O.P.No.16292 of 2021 |
| 3.K.Nadhamuni | ...Petitioner in Crl.O.P.No.16296 of 2021 |

Vs.

- 1.The Revenue Divisional officer,
Thirutani,
Thiruvallur District.
- 2.The State rep by
The Sub Inspector of Police,



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D-6, Pothatturpet Police Station,

Thirutani Sub Division,

Thiruvallur District.

...Respondents

COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 of the Criminal Procedure Code, seeking to quash the impugned summons dated 28.07.2021 in Na.Ka.No.1892/2021/A1, Na.Ka.No.1893/2021/A1 and Na.Ka.No.1895/2021/A1 issued by the first respondent.

For Petitioners in

all Crl.O.Ps

: M/s.P.Krishnan

For R1 and R2 in

all Crl.O.P.Nos

: Mr.A.Damodaran

Additional Public Prosecutor

COMMON ORDER

These petitions are to quash the summons in Na.Ka.No.1892/2021/A1, Na.Ka.No.1893/2021/A1 and Na.Ka.No.1895/2021/A1 issued under Section 110 Cr.P.C., dated 28.07.2021.



2. It is stated in the summons that the petitioners are habitual offenders, and hence, they are required to appear before the respondent police along with two sureties.

3. Mr. P.Krishnan, the learned counsel for the petitioners, would submit these summons were issued in the year 2021 subsequently, another summons was issued to the petitioners under Section 110 Cr.P.C on 30.11.2022. The petitioners had challenged the summons issued in the year 2022 in ***Crl.O.P.Nos.31720 & 31725 of 2022*** dated ***22.12.2022*** and ***Crl.O.P.Nos.32081 and 32085 of 2022*** dated ***02.01.2023***. In the orders passed in the said petitions, this Court found that there is only one case pending against the petitioners, and therefore, they cannot be categorized as habitual offenders. This Court had observed as follows:

...

"Section 110 (g) Cr.P.C., discusses about the person who is so desperate and dangerous as to render his being at large without security, hazardous to the community. It is not in dispute that there is only one case pending against the petitioners and therefore, they cannot be categorized as habitual offenders. To fit the petitioners under Section 110 (g), it must be



established that the petitioners are so desperate and dangerous that they being at large without security would amount to hazardous to the community. No material is produced in this regard."

He further submitted that this Court held in Crl.O.P.Nos.32081, 32085, 31720 and 31725 of 2022 filed by the petitioners in Crl.O.P.Nos.16292 and 16296 of 2021; that since the summons do not conform to the requirements under Section 111 Cr.P.C., the impugned summons therein are liable to be quashed.

4. Heard, the learned Additional Public Prosecutor.

5. This Court is of the view that there is force in the submission made by the learned counsel for the petitioners. The subsequent summons issued in the year 2022 under Section 110 Cr.P.C., was quashed by this Court on the ground that the petitioners cannot be treated as habitual offenders. This Court finds that the observations made by this Court in Crl.O.P.Nos.32081, 32085, 31720 and 31725 of 2022 squarely apply to this case. In such circumstances, summons issued in the year



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2021, which are impugned in the present petitions also deserves to be quashed on the very same ground as they faced only one case and hence the summons do not conform to the requirements under Section 111 Cr.P.C. Hence, the impugned summons are liable to be quashed.

6. Accordingly, the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

07.06.2023

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NCC: Yes/No

Index :Yes/No

Speaking/Non Speaking Order

To

1. The Revenue Divisional Officer,
Thirutani,
Thiruvallur District.
2. The State rep by
The Sub Inspector of Police
D-6, Pothatturpet Police Station,
Thirutani Sub Division,
Thiruvallur District.



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SUNDER MOHAN. J,
dk

3.The Public Prosecutor,
The High Court of Madras,
Chennai – 600 104.

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and

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