



W.P(MD)No.15652 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.15652 of 2023
and W.M.P.(MD).No.13138 of 2023

Ramachandran

... Petitioner

Vs.

1.The Revenue Division Officer,
Divisional Executive Magistrate,
Thanjavur.

2.The Sub Inspector of Police,
Orathanadu Police Station,
Orathanadu Taluk,
Thanjavur District.

3.Chandrasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned summon dated 10.10.2022 G-10, Police Station Thiruvonam, U/os. 41 of Cr.P.C. issued by the 2nd respondent and quash the same consequently, direct the 2nd respondent to conducting proper investigation based on the complaint of the petitioner in FIR No.661/2022, dated 16.09.2022.



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For Petitioner : Mr.V.S.Kumaraguru

For Respondents : Mr.B.Nambiselvan for R1 and R2
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned summon dated 10.10.2022 G-10, Police Station Thiruvonam, U/os. 41 of Cr.P.C. issued by the 2nd respondent and consequently seeking direction to the 2nd respondent to conducting proper investigation based on the complaint of the petitioner in FIR No.661/2022, dated 16.09.2022.

2.Mr.B.Nambiselvan, learned Additional Public Prosecutor, takes notice for the respondents.

3.The grievance of the petitioner is that he has given a complaint against the private respondent stating that he was assaulted by the third respondent and he has also caused damages to his property. In stead of taking action on the basis of the complaint, now he has been summoned by the second respondent. The summon has been issued by the Sub Inspector of Police, Thiruvonam Police Station, directing the petitioner to appear before the Revenue Divisional Officer on 10.10.2022.



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4.The learned Additional Public Prosecutor admits that so far the above proceedings has not been initiated by the Revenue Divisional Officer. A case in Crime No.661 of 2022 has been registered under Section 145 Cr.P.C. on the basis of the complaint given by the petitioner. It appears that by mistake the above said summon has been issued by the second respondent. Let the above said summon be recalled.

5.Let the competent authority namely the Revenue Divisional Officer, Thanjavur, initiate the proceedings by issuing summon or notice as the case may be to the petitioner as well as the rival parties and proceed further. Let the petitioner appear before the Authority himself.

6.With the above said directions, this writ petition stands disposed of. No cost. Consequently, connected miscellaneous petition is closed.

30.06.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
TM



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To

- 1.The Revenue Division Officer,
Divisional Executive Magistrate,
Thanjavur.
- 2.The Sub Inspector of Police,
Orathanadu Police Station,
Orathanadu Taluk,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.15652 of 2023

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