



**CRL OP(MD). No.11400 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on : 26.06.2023

Pronounced on : 25.07.2023

**CORAM:**

**The Hon`ble Mr.Justice G.ILANGO VAN**

**CRL OP(MD).No.11400 of 2023**

**in**

**Crl.M.P.(MD)Nos.8984 and 8985 of 2023**

Mohana sundara Boopathy @ Boopathy

... Petitioner

**Vs**

1.The Inspector of Police,  
Surandai Police Station,  
Tenkasi District.  
in Crime No.28 of 2013.

2.The Sub Divisional Magistrate cum  
The Revenue Divisional Officer,  
Tenkasi, Tenkasi District.

...Respondents

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the records of the proceedings in Na.Ka.No.A1/3055/M.C.B/02/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.B.Nambiselvan  
Additional Public Prosecutor



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## ORDER

This Criminal Original Petition has been filed to call for the records of the proceedings in Na.Ka.No.A1/3055/M.C.B/02/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

2. The Inspector of Police, Veerakelarampudur, Suranai, sent information / recommendation stating that the petitioner is involved in criminal activities causing breach of peace. Seeking action against him under Section 110 of Cr.P.C., he sent the recommendation, upon which the proceedings in M.C.B.No.2 of 2023 is initiated against this petitioner. The date of summon is on 30.05.2023. Challenging the above said summon, this petition has been filed stating that no proper procedure has contemplated in the above said judgment in ***Crl.O.P(MD)No.3981 of 2021*** in the case of ***Syed Ibrahim and others Vs. Deputy Commissioner of Police Law and Order cum Executive Magistrate, Madurai City***, dated 23.12.2021, has been followed.



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3. A perusal of the records shows that a petition has been filed in CrI.O.P.(MD)No.7806 of 2023, seeking a direction to the Inspector of Police, Surandai not to harass the petitioner under the guise of enquiry. When the matter was heard on 26.04.2023, the learned Additional Public Prosecutor would submit that proceedings under LIR No.28 of 2023 has been initiated against this petitioner. But it was submitted that no notice was served upon the petitioner so far. On that account, direction was issued to the respondent to issue summons or notice as the case may be, to the petitioner, so that he can workout the remedy through appropriate proceedings. After that only, the present summon has been issued.

4. Reading of the summon does not indicate any of the procedural lapses. It is recorded subject to satisfaction with regard to the grounds on which the above said proceedings has been initiated and has also set out in the facts and circumstances of the case. Even though, a separate order is not passed or enclosed along with the summon, since sufficient information has been furnished to the petitioner to face the enquiry, I find absolutely no justifiable reason to quash the proceedings. The petitioner is directed to appear before the second respondent and co-operate with



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him to complete the process of enquiry. The first respondent is directed to complete the enquiry within a period of two months from the date of appearance of the petitioner.

5. This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions stand closed.

**25.07.2023**

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

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To

- 1.The Inspector of Police, Surandai Police Station,  
Tenkasi District. ( in Crime No.28 of 2013).
- 2.The Sub Divisional Magistrate cum  
The Revenue Divisional Officer,  
Tenkasi, Tenkasi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGOVAN, J.**

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Pre-Delivery Order made in

**CRL OP(MD).No.11400 of 2023**

in

**CrI.M.P.(MD)Nos.8984 and 8985 of 2023**

Date: 25.07.2023