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CRL OP(MD). No.11444 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.06.2023

Pronounced on : 25.07.2023

CORAM:

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.11444 of 2023

and

CRL MP(MD)Nos. 9021 and 9025 of 2023

Velmurugan

... Petitioner

Vs

1.The Inspector of police,
Surandai police station,
Tenkasi District,
in Crime No.30 of 2023.

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.A1/3053/M.C.B/04/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.S.Manikandan
Government Advocate (Crl.side)



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ORDER

This Criminal Original petition has been filed to call for the records of the proceedings in Na.Ka.No.A1/3053/M.C.B/ 04/2023/Cr.P.C.110 dated 30.05.2023 passed by the 2nd respondent and set aside the same.

2. Action was initiated by the second respondent in pursuance of the information / recommendation made by the first respondent stating that the petitioner herein is continuously involved in criminal activities apprehending breach of peace action was required to be initiated under Section 110 of Cr.P.C. On the basis of the above said recommendation, action was initiated in Na.Ka.No.A1/3053/M.C.B/ 04/2023/Cr.P.C.110 dated 30.05.2023 summons was issued to the petitioner to appear before the second respondent on the date mentioned in the summon and to show cause as to why he should not be directed to execute bond for Rs.5,000/- to keep peace for one year.



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3. The learned counsel for the petitioner would submit that the settled decision of procedure to be followed in such matters has set out in the above said judgment in ***Syed Ibrahim and the Deputy Commissioner of Police Law and order cum Executive Magistrate*** dated 23.12.2021, was not properly followed while initiating action and issuing the summons.

4. A reading of the summons shows that the second respondent applied his mind and as well as recorded subjective satisfaction with regard to the grounds available for initiating action. I find absolutely no reason to quash the above said proceedings.

5. Earlier this petitioner filed CrI.O.P(MD)No.7874 of 2023 seeking a direction to the Inspector of Police, Surandai Police Station, Tenkasi District, not to harass the petitioner on the basis of enquiry. At that time, it was submitted by the public prosecutor that summon is going to be issued in LIR No.28/2023. So he was directed to appear before the second respondent and cooperate with the team to complete the process of enquiry. The above said order is dated 27.04.2023. Now the present



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summon is dated 30.05.2023. It is seen that only in pursuance of the above said proceedings, summon has been issued against the petitioner.

As directed in the above said Criminal Original Petition he must appear before the second respondent and instead of approaching him he filed this petition stating that no procedural formalities have been complied.

6. The reading of the above said summon does not indicate any defects as stated above. So I find no reason to interfere with the proceedings. Accordingly, this Criminal Original Petition stands dismissed. The petitioner is directed to appear before the respondent and let the proceedings be completed with in a period of two months from the date of appearance of this petitioner. 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.30 of 2023.
- 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.ILANGO VAN, J.

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Pre-Delivery Order made in

CRL OP(MD).No.11444 of 2023

Date: 25.07.2023