



Crl.O.P.(MD)No.166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.166 of 2023

and

Crl.M.P.(MD)Nos.128 and 129 of 2023

Karuppasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer cum
Executive Magistrate,
Sankarankovil,
Tenkasi District.

2.The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
(Crime No.14 of 2022)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the 107 Cr.P.C. proceedings in m1/vk;.rp.311/2022 (107) dated 16.12.2022 initiated by the first respondent and quash the same as illegal.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the 107 Cr.P.C. proceedings in m1/vk;rp.311/2022(107) dated 16.12.2022 initiated by the first respondent and quash the same as illegal.

2. The learned counsel appearing for the petitioner would submit that in the impugned notice, the first respondent has referred the case in Crime No.14 of 2022 on the file of the Karivalamvanthanallur Police Station, under Section 107 Cr.P.C, dated 23.11.2022, pending against the petitioner herein. But, the case in Crime No.14 of 2022, was registered on 14.01.2022, for the offence under Section 4(1)(i) of Tamil Nadu Prohibition Act against one Shanmugakani.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the case referred in the impugned notice, is not connected with the present petitioner and that the first respondent may be directed to issue fresh summons.



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4. Recording the said submission made by the learned Government

Advocate (Criminal Side), the impugned notice in m1/vk;.rp.

311/2022(107) initiated by the first respondent is hereby quashed. The first respondent is directed to issue fresh notice incorporating the correct particulars to the accused.

5. In the result, the Criminal Original Petition is disposed of.

Consequently, connected Miscellaneous Petitions are closed.

05.01.2023

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

To

1.The Revenue Divisional Officer cum
Executive Magistrate,
Sankarankovil,
Tenkasi District.

2.The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.

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

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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.166 of 2023
and
Crl.M.P.(MD)Nos.128 and 129 of 2023

Dated: 05.01.2023