



CrI.O.P.(MD)No.60 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.60 of 2023

and

CrI.M.P.(MD)Nos.63 and 65 of 2023

Manojkumar

: 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.17 of 2022

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the 107 Cr.P.C proceedings in m1/vk;.rp.314/2022 (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.Muthu Manikkam,
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition 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.314/2022 (107), dated 16.12.2022 initiated by the first respondent and quash the same as illegal.

2. The learned counsel for the petitioner would submit that in the impugned notice, the first respondent has referred the case in Crime No.17 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.17 of 2022, was registered on 14.01.2022, for the offence under Section 4(1)(i) of Tamil Nadu Prohibition of Act against one Ragupathi.

3. The learned Government Advocate (Criminal Side) appearing for the State 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, dated 09.12.2012, is hereby quashed. The petitioner is at liberty to issue fresh notice incorporating the correct particulars, pending against the accused.

5. In the result, the Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

04.01.2023

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

To

- 1.The Revenue Divisinal 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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Crl.O.P.(MD)No.60 of 2023

K.MURALI SHANKAR,J.

das

Crl.O.P.(MD)No.60 of 2023
and
Crl.M.P.(MD)Nos.63 and 65 of 2023

Dated: 04.01.2023