



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.4509, 4525, 4531 and 4535 of 2024
and Crl.MP.Nos.3311,3333,3342 & 3348 of 2024

K.Nadhamuni

.. Petitioner
in Crl.OP.No.4509 of 2024

Y.Mohanraj @ Mohan

.. Petitioner
in Crl.OP.No.4525 of 2024

E.Krishnamoorthy

.. Petitioner
in Crl.OP.No.4531of 2024

E.Jagadeesh Babu

.. Petitioner
in Crl.OP.No.4535 of 2024

vs.

1.The Revenue Divisional Officer
Thirutani
Thiruvallur District.

2.The State rep.by
The Sub Inspector of Police
D-6, Pothatturpet Police Station
Thirutani Sub Divisional
Thiruvallur District.

..Respondents
in all Crl.OPs.

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to quash the impugned order dated 15.2.2024 in Na.Ka.No.A1/426/425/424/427/2024, issued by the 1st respondent.



WEB COPY



2

For Petitioners : Mr.P.Krishnan
(in All Crl.OPs)

For Respondents : Mr. A.Gopinath
(in All Crl.OPs) Government Advocate

COMMON ORDER

These criminal original petitions have been filed to quash the summons issued in Na.Ka.No.A1/426/425/424/427/2024 dated 15.2.2024, under Section 110 of Cr.PC.

2.It is stated in the summons that the petitioners are habitual offenders, and hence, they are required to appear before the respondent police along with two sureties.

3. Mr. P.Krishnan, the learned counsel for the petitioners, would submit these summons were issued in the year 2021 subsequently, another summons was issued to the petitioners under Section 110 Cr.P.C on 30.11.2022. Thereafter, once again summons was issued which was also challenged in Crl.OP.Nos.15838, 16292 and 16296 of 2021. Those petitions were disposed of by an order dated 7.6.2023 in the following terms:

3. Mr. P.Krishnan, the learned counsel for the petitioners, would submit these summons were issued in the year 2021 subsequently, another summons was issued to the petitioners under Section 110 Cr.P.C on 30.11.2022. The petitioners had challenged the summons issued in the year 2022 in Crl.O.P.Nos.31720 & 31725 of 2022 dated 22.12.2022 and



Crl.O.P.Nos.32081 and 32085 of 2022 dated 02.01.2023. In the orders passed in the said petitions, this Court found that there is only one case pending against the petitioners, and therefore, they cannot be categorized as habitual offenders. This Court had observed as follows:

... "Section 110 (g) Cr.P.C., discusses about the person who is so desperate and dangerous as to render his being at large without security, hazardous to the community. It is not in dispute that there is only one case pending against the petitioners and therefore, they cannot be categorized as habitual offenders. To fit the petitioners under Section 110 (g), it must be established that the petitioners are so desperate and dangerous that they being at large without security would amount to hazardous to the community. No material is produced in this regard."

He further submitted that this Court held in Crl.O.P.Nos.32081, 32085, 31720 and 31725 of 2022 filed by the petitioners in Crl.O.P.Nos.16292 and 16296 of 2021; that since the summons do not conform to the requirements under Section 111 Cr.P.C., the impugned summons therein are liable to be quashed.

4. Heard, the learned Additional Public Prosecutor.

5. This Court is of the view that there is force in the submission made by the learned counsel for the petitioners. The subsequent summons issued in the year 2022 under Section 110 Cr.P.C., was quashed by this Court on the ground that the petitioners cannot be treated as habitual offenders. This Court finds that the observations made by this Court in Crl.O.P.Nos.32081, 32085, 31720 and 31725 of 2022 squarely apply to this case. In such circumstances, summons issued in the year 2021, which are impugned in the present petitions also deserves to be quashed on the very same ground as they faced



WEB COPY



only one case and hence the summons do not conform to the requirements under Section 111 Cr.P.C. Hence, the impugned summons are liable to be quashed.

4. In the light of the above reasoning, the present summons that were issued to the petitioners is also liable to be quashed and accordingly, the same is quashed and all these criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

28.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp



WEB COPY



To

1. The Revenue Divisional Officer
Thirutani
Thiruvallur District.
2. The Sub Inspector of Police
D-6, Pothatturpet Police Station
Thirutani Sub Divisional
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY

6



kp

Crl.O.P Nos.4509, 4525, 4531 and 4535 of 2024

28.02.2024