



Crl.OP.No.7753 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.7753 of 2024

and

Crl.MP.No.5674 of 2024

Rajasekaran

... Petitioner

Vs.

1. The Taluk Executive Magistrate,
Cum Revenue Thasildar,
Nannilam, Thiruvarur District.

2. The Inspector of Police,
Nannilam, Thiruvarur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the proceedings dated 08.01.2024 made in Pa.Ve.0/2023/A5 passed by 1st respondent herein and quash the same.

For Petitioner : Mr.S.Senthilnathan

For Respondent : K.M.D.Muhilan
Government Advocate (Crl.Side)



Crl.OP.No.7753 of 2024

ORDER

WEB COPY This petition is filed to quash the summon issued under Section 110 of Cr.P.C alleging that the summon is infact issued to the police to produce the petitioner herein before the Executive Magistrate for an enquiry.

2. The learned counsel appearing for the petitioner submitted that it is not a summon for appearance, but it is a direction to the police to secure the petitioner herein and presenting him before the enquiry officer which is not in consonance with the spirit and terms of the Section 110 of Cr.P.C.

3. The reading of the impugned summon indicates that the summon is issued to the Inspector of Police to secure the petitioner herein and produce him before the Executive Magistrate for the enquiry under Section 110 of Cr.P.C. Hence, the impugned summon issued not in accordance with the provisions under Section 110 of Cr.P.C, the liability to be quashed. Accordingly, the proceedings dated 08.01.2024 made in Pa.Ve.0/2023/A5 passed by 1st respondent herein is hereby quashed.

4. However, the first respondent/ The Taluk Executive Magistrate,



Crl.OP.No.7753 of 2024

Cum Revenue Thasildar, Nannilam, Thiruvarur District is at liberty to cause fresh summon to the second respondent/ The Inspector of Police, Nannilam, Thiruvarur District in accordance with law, if there is any necessity arises.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Vv

04.04.2024

To

1. The Taluk Executive Magistrate,
Cum Revenue Thasildar,
Nannilam, Thiruvarur District.
2. The Inspector of Police,
Nannilam, Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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