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Crl.O.P.No.8913 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.7952, 7956, 7958 and 7964 of 2024

and

Crl.M.P.Nos5778, 5779, 5781, 5782, 5789, 5790, 5783 & 5784/2024

K.Ramanujam ... Petitioner in Crl.O.P.No.7952/2024

M.K.Jabit ... Petitioner in Crl.O.P.No.7956/2024

Nasirudeen ... Petitioner in Crl.O.P.No.7958/2024

Abdul Harris ... Petitioner in Crl.O.P.No.7964/2024

Vs.

The Sub Inspector of Police,
Devala Police Station,
The Nilgiris

... Respondent in all Crl.OPs

Common Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to the impugned summon issued by the respondent herein under Section 160 Cr.P.C., dated 23.03.2024, 20.03.2024, 21.03.2024 and quash the same.

For Petitioner : Mr.G.Karthikeyan, Senior Counsel
in all Crl.OPs for Ms.A.Jagadeeswari



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For Respondent : Mr.S.Udaya Kumar
in all Crl.OPs Government Advocate (Crl.Side)

COMMON ORDER

This Criminal Original Petitions to quash the summon issued under Section 160 Cr.P.C., on the ground that the Executive Magistrate has to conduct the enquiry under Section 110 of Cr.P.C. Whereas in this case, the summons for enquiry is caused by the Sub Inspector of Police calling upon the petitioner herein to appear before him on 28.04.2024.

2. On perusal of the impugned summon, this Court finds that for the purpose of enquiry by the Executive Magistrate under Section 110 of Cr.P.C., the Sub Inspector of Police has issued notice instead of the Executive Magistrate, who is supposed to conduct enquiry. Hence the Criminal Original Petitions are allowed and the summon is hereby quashed with liberty to the authority to issue proper summon and conduct enquiry in accordance with law. Consequently, the connected Criminal Miscellaneous Petitions are closed.

12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To



Crl.O.P.No.8913 of 2024

1.The Sub Inspector of Police,
Devala Police Station,
The Nilgiris

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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