



Crl.O.P.(MD)No.10671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

Crl.O.P.(MD)No.10671 of 2024  
and  
Crl.M.P.(MD)No.7130 of 2024

Sivalingam

... Petitioner

Vs.

1.The Sub Divisional Executive Magistrate  
cum Revenue Divisional Officer,  
Kulithalai, Karur District.

2.The Inspector of Police,  
Thogamalai Police Station,  
Karur District.

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned summon in Na.Ka.No.A3/(MC.No.30/2024) dated 23.03.2024 issued by the first respondent and quash the same.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.M.Sakthi Kumar,  
Government Advocate(Crl.side)



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## **ORDER**

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This criminal original petition has been filed to quash the impugned summon in Na.Ka.No.A3/(MC.No.30/2024) dated 23.03.2024 issued by the first respondent.

2.The learned counsel appearing for the petitioner submits that the first respondent has issued summon as against the petitioner under Section 111 Cr.P.C., on the ground that the petitioner is involved in Cr.No.250 of 2020 for the offences under Sections 420, 294(b), 506(i) IPC. However, the above said case was ended in acquittal. Therefore, he prays to quash the impugned notice.

3.The learned Government Advocate(Crl.side) appearing for the respondents submits that apart from the above said case, the petitioner involved in two other cases.

4.This Court considered the rival submissions made on either side and perused the materials available in the record.

5.The impugned summon under Section 111 Cr.P.C., has been issued based on the requisition of the second respondent Police for



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initiating action under Section 110 Cr.P.C., as against the petitioner.

However, the case, which is mentioned in the impugned summon, ended in acquittal, vide judgment dated 08.09.2023 in C.C.No.2 of 2023 by the learned Judicial Magistrate No.I, Kulithalai. The second respondent Police, without even having knowledge about the acquittal, has mechanically referred this matter for initiating proceedings under Section 110 Cr.P.C., by way of requisition letter dated 01.03.2024. The first respondent has also mechanically issued the impugned summon, without ascertaining the fact that the case in Cr.No.250 of 2020 ended in acquittal. Therefore, this Court has no hesitation to quash the impugned summon.

6.In the result, this criminal original petition is allowed and the impugned summon Na.Ka.No.A3/(MC.No.30/2024) dated 23.03.2024 is hereby quashed. Consequently, connected miscellaneous petition is closed.

**18.07.2024**

NCC : Yes/No

Index : Yes/No

Internet:Yes

gns

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**B.PUGALENDHI,J**

gns

To

- 1.The Sub Divisional Executive Magistrate  
cum Revenue Divisional Officer,  
Kulithalai, Karur District.
- 2.The Inspector of Police,  
Thogamalai Police Station,  
Karur District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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