



Crl.O.P.(MD) No.11838 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P.(MD)No.11838 of 2021

and

CRL.M.P.(MD)No.6051 of 2021

Francis

: Petitioner

Vs.

1.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

3.A.Anandarajan

4.Karnan

5.Babu

6.Arjunan

7.Jose

8.Shaji

9.Ajikumar

: Respondents



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PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to quash the impugned proceedings in Na.Ka.Aa3/1/2021 dated 02.08.2021, pending on the file of the first respondent.

For Petitioner : Mr.G.Karuppasamy Pandian
For Respondents 1&2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For Respondents 3 to 9 : No appearance

ORDER

Challenging the summons issued by Tahsildar, Vilavancode Taluk on 02.08.2021, the present Criminal Original Petition has been filed.

2.Mr.G.Karuppasamy Pandian, learned Counsel for the petitioner contended that the Tahsildar, Vilavancode Taluk without applying his mind has wrongly mentioned the crime number as 37/2021 and issued summons to the present petitioner under Section 145 of of the Code of Criminal Procedure. He drew the attention of this Court to FIR in Crime No.37/2021 of Marthandam Police Station which was registered for the offences punishable under Sections 279 and 337 of IPC and contended that the said FIR is not at all connected with the present summons and this would show the non-application of mind on the part of the concerned authority.



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3.The Tahsildar, Vilavancode Taluk had filed a counter affidavit stating that the second respondent police had initially registered FIR in Crime No.43 of 2021 and 44 of 2021 for the offences punishable under Sections 147, 148, 448, 427, 294(b), 323, 324 and 506(ii) of IPC on 27.01.2021 against two separate parties and subsequently it was referred to Tahsildar in LIR 37/2021 for conducting Peace Committee Meeting. It is further stated that the petitioner did not appear for enquiry and therefore, no order was passed by the Tahsildar.

4.Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 contended that in the summons issued by the Tahsildar, LIR 37/2021 is indicated and it pertains to Crime Numbers.43/21 and 44/21 of Marthandam Police Station. He also drew the attention of this Court to the copy of LIR No.37/2021 dated 17.07.2021.

5.Admittedly, the petitioner did not appear before the Tahsildar, Vilavancode Taluk, as a result of which no order has been passed by the Tahsildar and there is nothing to show that the Tahsildar issued the summons without application of mind. In such circumstances, I do not find any reason to quash the summons issued by the Tahsildar.



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6.Accordingly, this Criminal original Petition stands dismissed.

02.02.2024

Speaking	: Yes / No
NCC	: Yes / No
Internet	: Yes / No
Index	: Yes / No
MR	



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To

- 1.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA., J.

MR

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