



Crl.O.P.(MD)No.20974 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD)No.20974 of 2023

and

Crl.MP (MD)No.16430 of 2023

R.Ramesh

: Petitioner

Vs.

1.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

2.Mr.A.Samikannu,
The Branch Manager,
DBFS Finance and Leasing Limited,
No.194, Noora Plaza,
Opposite to KTC Body Building,
Palayamkottai,
Tirunelveli.

: Respondents

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records connected to the summons dated 09/11/2023 issued by the respondent No.1 and quash the same and pass appropriate orders.

For Petitioner : Mr.S.Malaikani

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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O R D E R

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This criminal original petition is filed seeking quashment of the summons, dated 09/11/2023 issued by the 1st respondent.

2.The facts in brief:-

(i)On the basis of the complaint given by one A.Samikjannu, a case in Crime No.20 of 2023 was registered for the offences under sections 417, 418 and 420 of IPC against three persons.

(ii)The complaint reads as under:-

The complainant is working as Manager in DBFS Finance and Leasing Limited, Palayamkottai, Tirunelveli. They used to extent loans on the basis of pledging of the jewels. One Vimal Pon Singh was working as Branch Manager in Kosamattam Finance Company, Seydunganallur, Thoothukudi. On 18/05/2023, one customer Kasirajan required extra money over the jewels pledged by him. So he requested the complainant to take over the loan amount and pay the extra loan to Kasirajan. On the basis of the promise made by the accused, a sum of Rs.10,50,000/- was transferred to the account of Kasirajan as loan amount. With the help rendered by the complainant's company, the jewel was redeemed by Kasirajan. On the same day evening,



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it was brought to the complainant's company. On checking, it was found that the jewels were fake one. So they demanded the loan amount to be returned. He promised to settle the loan amount.

(iii)On further enquiry, it came to his notice that Kasirajan and Vimal Pon Singh conspired together and cheated the company. Even though, promise was made by Kasirajan, it was complied by him, in spite of that, caused criminal intimidation. On the basis of the complaint, the above said case has been registered.

3.During the course of investigation, summon was issued to the petitioner, who is the Regional Manager, Kosamattam Finance Company, Tenkasi, for appearance.

4.Seeking quashment of the same, this petition has been filed by the petitioner stating that already proper information was furnished to the second respondent by the concerned Branch Manager; In that summon, no provision of law was quoted; Unnecessarily, this petitioner has been summoned. According to the petitioner, it is nothing, but some other issue.

5.Heard both sides.



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6.This court is completely not in a position to appreciate the grievance of the petitioner.

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7.The petitioner is working as Regional Manager attached to Kosamattam Finance Company. The accused namely Vimal Pon Singh is involved in the crime and there is a clear averment to the effect that only with his connivance and conspiracy as the case may be, Kasirajan cheated the de-facto complainant company. Not only this petitioner, but also the Branch Manager of the Kosamattam Finance Company also summoned by the Investigating Officer.

8.When serious allegation is made against his own employee, it is nothing, but a duty cast upon this petitioner to appear before the Investigating Officer and share all the information that was available with him concerning Vimal Pon Singh on the issue in it. Simply because, the Manager already appeared and gave statement and particulars, the petitioner cannot avoid the summon. Without any legal basis or reason, this petition has been filed. Summoning a person for the purpose of investigation is a power and right conferred upon the Investigating Officer, that cannot be questioned by any one.



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9.Now whatever it may be the grievance they got, they must appear before the Investigating Officer and share the information or his objection as the case may be. As mentioned above, it is the duty of the petitioner to appear before the respondent police and cooperate with the process of investigation. Avoiding the duty will amount to serious misconduct.

10.I find no reason to entertain this petition. Accordingly, this criminal original petition stands **dismissed**. Consequently connected Miscellaneous Petition is closed.

22/11/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
City Crime Branch,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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