



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2015

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Crl.O.P(MD).No. 3720 of 2015 and
M.P.(MD).No.1 of 2015

Zaheera Begum

... Petitioner

Versus

1. State rep. by
Inspector of Police,
Fort (L & O) Police Station,
Thiruchirappallai City
(Crime No. 75/15)

2. Syed Sathik

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the impugned summon dated 17.02.2015 in Crime No.75 of 2015 issued by the first respondent and quash the same.

For Petitioner : Mr. S. Deenadhayalan

For Respondent No.1 : Mr. K.V. Rajarajan

Government Advocate (Crl. Side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

2. The limited prayer sought for in this quash petition is against the summon issued by the first respondent requiring the petitioner to appear before him on 19.02.2015.

3. The petitioner is an accused in Crime No.75 of 2015 on the file of the first respondent police for the offences punishable under Sections 341 and 294(b) of IPC.



presence of an accused before the Investigating Officer cannot be compelled by issue of summons under Section 91 of Cr.P.C. The term "the person" in such Section does not include "accused Person"

WEB COPY

5. Hence, the impugned summon dated 17.02.2015 issued by the first respondent police is quashed. The Criminal Original petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Fort (L & O) Police Station,
Thiruchirappalli City
(Crime No. 75/15)

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Deenadhayalan, Advocate Sr.No. 10620
trp
AA/18.03.2015/2p- 4c/

Cr1.O.P(MD).No. 3720 of 2015 and
M.P.(MD).No.1 of 2015
05.03.2015