

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20174 of 2016
and
Crl.M.P.No. 9453 of 2016

D.Vimalanathan

.. Petitioner

Vs

The Inspector of Police
District Crime Branch
Dharmapuri District.

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the summons of the respondent dated 27.08.2016 calling upon the petitioner to appear on 03.09.2016 and quash the same.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records pertaining to the summons of the respondent dated 27.08.2016 calling upon the petitioner to appear on 03.09.2016 and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that on the complaint given by one Govindan, the respondent police is conducting enquiry and there was issuance of summons to the petitioner for his appearance, challenging which, the petitioner is before this Court.

4. This Court cannot quash the summons issued by the police under Section 91 Cr.P.C, as it is the minimum requirement to be followed by the police for calling a person for enquiry. This Court is aware that, some police even without issuing summons,

make the suspects come to the police station and harass them. Only to obviate such high-handed practice, this Court insists that the police should issue summons to the person calling him for enquiry. Therefore, the summons issued by the respondent police cannot be said to be illegal and hence, it cannot be quashed.

5. However Mr.S.Selvam, learned counsel appearing for the petitioner submitted that on the complaint given by Govindan, already the case was registered by Papparapatti Police Station and a final report has been filed in C.C.No.19 of 2015. Once again, the said Govindan lodged a complaint before the Inspector of Police, Palacode Police Station for the same grievances. When the Papparapatti Police Station summoned the petitioner, he filed Crl.OP. No. 12708 of 2016, in which this Court has passed an order on 24.06.2016, directing the Palacode Police Station to issue summons to the petitioner for enquiry.

6. Learned Additional Public Prosecutor submitted that in the complaint given by Govindan, he has alleged that an official by name Senguttuvan working in the Secretariat is interfering, whenever the complaint is given against the petitioner and therefore, he has been forced to give the present complaint to the District Crime Branch.

7. Be that as it may, the petitioner is directed to co-operate in the enquiry by appearing before the Inspector of Police, District Crime Branch. During enquiry, the petitioner shall not be harassed.

8. On a reading of the complaint given by Govindan, it essentially appears to be a money quarrel. Govindan is admittedly the brother-in-law of the petitioner. The respondent police may bear this in mind and complete the enquiry on the complaint given by Govindan within two weeks from the date of receipt of a copy of this order. As stated above, the petitioner shall co-operate in the enquiry and produce necessary documents.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

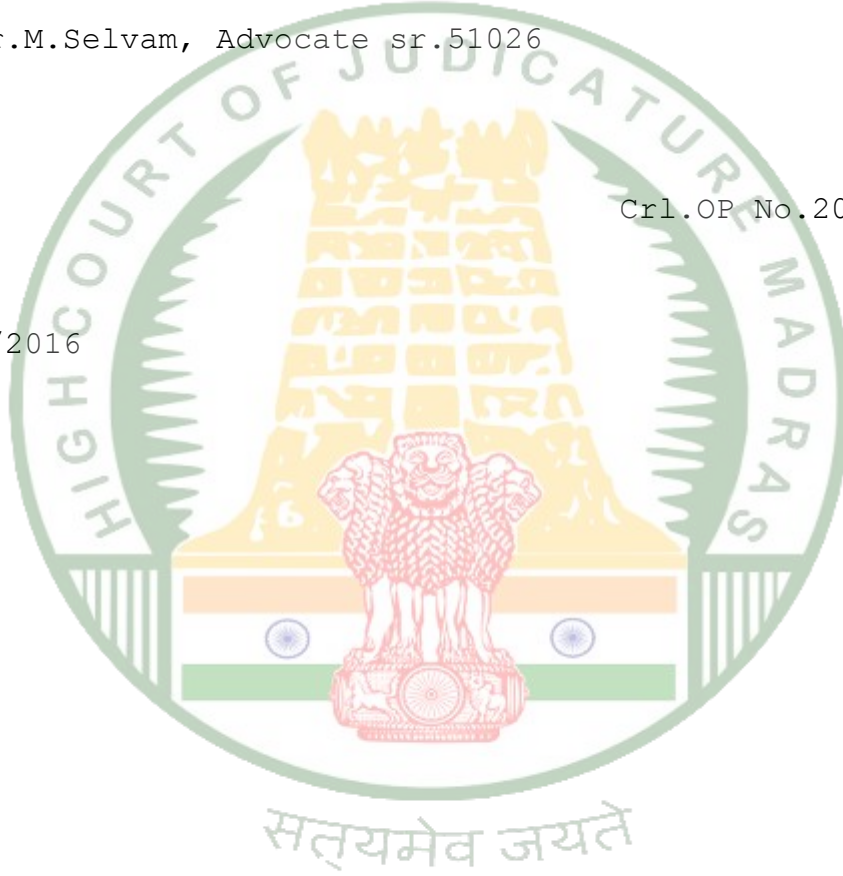
To

1. The Inspector of Police
District Crime Branch
Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Selvam, Advocate sr.51026

Crl.OP No.20174 of 2016

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