

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.33867 of 2016
and WMP.Nos.29194 & 29195 of 2016

N.Gowri

.. Petitioner

Vs

1.The Inspector of Police,
Tharamangalam Police Station,
Salem District.

2.Murugan

3.Thangaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records in summons issued on 26.08.2016 on the file of the 1st respondent and quash the same as illegal, clear abuse of the process of law and direct the 1st respondent not to harass the petitioner to enforce the fabricated agreement dated 09.05.2014 of the 2nd respondent.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents: Mr.C.Emalias [for R1]

Additional Public Prosecutor

O R D E R

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to quash the summons issued by the first respondent on 26.08.2016 as illegal, and to direct the first respondent not to harass the petitioner to enforce the fabricated agreement dated 09.05.2014 of the 2nd respondent.

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

3. It is seen that a poor villager by name Murugan, who had about Rs.15,00,000/-, which he is said to have received on account of partition of the family property, wanted to invest the money in KK 308, Pavalathanur Lakshmi Primary Agricultural Co-operative Society. When he went to deposit the amount, the petitioner herein, who, was working in the society lured him to give the money to her, on the promise of higher interest. Believing her words, the said Murugan appears to

have handed over Rs.15,00,000/- to the petitioner, who is said to have shared with one Thangaraj and Basker. Thereafter, when Murugan started demanding the return of money, it is alleged by him that the trio threatened him saying that they will foist a case against him for attempting to rob the Bank.

4. The complaint was given by Murugan to the Deputy Commissioner of Co-operative Society, who has forwarded the same to the Inspector of Police, Tharamangalam Police Station, Salem District, who had issued summons under Section 91(1) Cr.P.C to the petitioner and Basker asking them to appear before the respondent-police with records. Challenging the summons, the petitioner is before this Court.

5. In Lalita Kumari v. Government of Uttarpradesh and Others reported in (2014) 2 SCC 1, the Supreme Court has held that the police can conduct preliminary enquiry in certain cases and complete the same within six weeks time. For the police to complete the preliminary enquiry, it is open to them to summon any person and call for any records. That cannot be interferred under Article 226 of the Constitution of India.

6. In view of the above, this petition is devoid of merits and hence dismissed with a direction to the petitioner to co-operate with the police during enquiry and submit necessary records. During enquiry, if it transpires that there is bona fide in the complaint of Murugan, it is needless to state that an FIR should be registered and action taken in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds
To

1.The Inspector of Police,
Tharamangalam Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. S. Ramesh Kumar, Advocate Sr.57698

W.P.No.33867 of 2016

RP(CO)

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