



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.6562 of 2017

and

W.M.P/ (MD) No.5148 of 2017

N.Chinnamayan

... Petitioner

-vs-

1.The Superintendent of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Vedasandur Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the records of the impugned notice passed by the 2nd respondent, dated 01.04.2017 quash the same and consequently direct the 1st respondent to enquire with the petitioner's complaint, dated 18.03.2017.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

It is seen that on the complaint given by the petitioner, a petition enquiry has been conducted by the Inspector of Police and he has issued only summon to the petitioner to appear for enquiry.

2.Challenging the summon, the petitioner is before this Court making allegations against the investigation officer.

3.In the considered opinion of this Court, in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**, the Supreme Court has stated that the police can conduct preliminary enquiry in certain cases and in this case only the Inspector of Police, Vedasandur has given summons to the petitioner to co-operate with the investigation. Even before FIR has been registered, it is not open to the petitioner to make allegations



that the investigation is malafide investigation and refused to participate in the enquiry. The same is not subject to certiorari as it is not an order, but it is only a step to passing of order.

4. In the result, the writ petition is devoid of merits. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

ASSISTANT REGISTRAR (AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Superintendent of Police,
Dindigul,
Dindigul District.

2. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.

+1 CC TO MR. M. SUBASHBABU, ADVOCATE, SR NO. 52635

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 52808

am

MAS/KP:02.05.2017:2P-5C

W.P. (MD) No. 6562 of 2017
18.04.2017