

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.20116 of 2018

and

CrI.M.P.No. 10730 of 2018

S.Muthukumar

.. Petitioner

Vs

1. The City Commissioner,
Office of the Commissioner of Police,
Tiruppur.
2. The Assistant Commissioner of Police,
Central Crime Branch,
Tirupur District.
3. The Inspector of Police,
Central Crime Branch, Tirupur,
Tiruppur District - 641 603.
4. Eveready Spinning Mill P. Ltd.,
Rep. by its Managing Director,
MILL NH7 NAGAMPATTI
VEDASANDUR - 624 710
Office-12, Jothi Theater Road,
Tirupur-01.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in the summon issued by the 3rd respondent dated 31.07.2018, on the file of the CCB, Tirupur and quash the same.

For Petitioner : Mr.UM.Ravichandran

For R1 to R3 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in the summon, issued by the 3rd respondent police, dated 31.07.2018, on the file of the Central Crime Branch, Tiruppur and quash the same.

2. It is seen that on the complaint lodged by one Subramaniam, the Inspector of Police, Central Crime Branch, Tiruppur, the 3rd respondent herein, is conducting an enquiry in Na.Ka.No.145/CCB-TPR-CITY/2018, pursuant to which, he has issued a summon dated 31.07.2018 to the petitioner calling upon the petitioner to appear before him for enquiry on 03.08.2018 with the necessary documents. Challenging the said summon, this quash application has been filed.

3. Heard the learned counsel for the petitioner, who submitted that the entire transaction between the petitioner and the 4th respondent is a civil transaction and the 4th respondent has also initiated proceedings under Section 138 of the Negotiable Instruments Act, against the petitioner and therefore, the summon issued by the police is an abuse of process of law.

4. In Lalita Kumari vs. Government of Uttar Pradesh and others [(2014) 2 SCC 1], the Supreme Court has stated that the police have the power to conduct preliminary enquiry in certain commercial matters. Since, a complaint has been given by the 4th respondent, it is imperative for the police to conduct an enquiry, for which, they have issued the summon to the petitioner, for appearance. A regular FIR has not yet been registered on the said complaint. Therefore, the police may conduct the enquiry and even close the case as a civil nature. Therefore, the impugned summon cannot be quashed at the threshold. The petitioner is directed to co-operate with the police for enquiry and during such enquiry, the petitioner shall not be harassed.

With the above observations, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

mkn/ssr

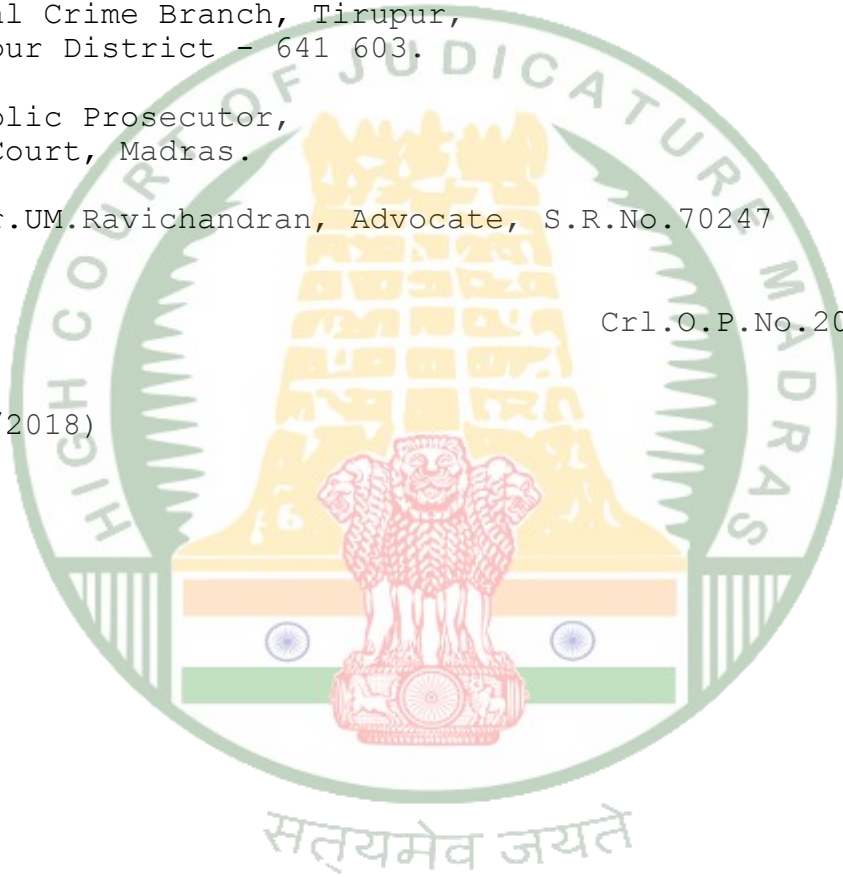
To

1. The City Commissioner,
Office of the Commissioner of Police,
Tiruppur.
2. The Assistant Commissioner of Police,
Central Crime Branch,
Tirupur District.
3. The Inspector of Police,
Central Crime Branch, Tirupur,
Tiruppur District - 641 603.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.UM.Ravichandran, Advocate, S.R.No.70247

Crl.O.P.No.20116 of 2018

GSP(24/10/2018)



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