

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP.No.5857 of 2011
in
MP. No.1 of 2011
and
WP. No.5858 of 2011
and
MP. No.2 of 2011

A.Thambithurai ...Petitioner in WP.No.5857 of 2011

T.Prabu ... Petitioner in WP.No.5858 of 2011

Vs.

The Sub Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District.

...Respondent in both WPs.

PRAYER in Both WPs: These Writ Petitions are filed under Article 226 of the Constitution of India to pass an order in the nature of Writ of Certiorari, to call for the records pertaining to undated Notice issued by the respondent under Section 91 of Cr.P.C., and quash the same.

For Petitioner : Mr.S.H.Vazhavan Karthikeyan
For S.T.Dhanasekaran in both WPs

For Respondent : Mr.Zakir Hussain
Government Advocate in both WPs

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O R D E R

These Writ Petitions have been filed by the petitioners to quash the records pertaining to undated Notice issued by the respondent under Section 91 of Cr.P.C.

2. The learned counsel for the petitioner submitted that no instruction has been received from the petitioners in both WPs.

3. The sole respondent has filed a common counter affidavit in the Writ Petitions by stating that one Mrs.Savithiri Sivasamy, residing at No.13A, Vadakku Mada Vilagam, Karur who is the power holder of Tmt.Kulandaivelu Parameswari resided at Singapore preferred a complaint by alleging that Mr.M.K.Ramachandran, who is the brother of the complainant has misused the power holder. Therefore, on the basis of the complaint, Mr.M.K.Ramachandran was directed to appear for enquiry under Section 91 of Cr.P.C on 26.02.2011 at 10.00 A.M. The suit summons was received on 24.02.2011 and he requested to furnish a copy of the said complaint. Thereafter, the enquiry was fixed to some other date.

4. At this stage, the petitioner has approached this Court on the basis of the summons issued under Section 91 of Cr.P.C. Therefore, there is no substance in the submission made in the affidavit. Hence, the Writ Petitions cannot be maintainable and the same are liable to be dismissed.

5. Accordingly, these Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are also closed. No costs.

rkp

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District. सत्यमेव जयते

+2cc to the Government Pleader, S.R.No.86707,87449

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WP.Nos.5857 & 5858 of 2011

KAK(22/01/2019)