

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.11817 of 2018

and CRL.MP.No.6236 of 2018

G.Vijaya

...Petitioner

Vs.

1. State Rep. By  
The Commissioner of Police,  
Office of the Commissioner of Police,  
Vepery, Chennai 600 007
2. The Inspector of Police (Law and Order),  
T14, Mangadu Police Station,  
Chennai-600 122

.. Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the 2nd respondent to put the petitioner, back in the possession of the petitioner shop forthwith pending disposal of the Instant Original Petition and to call for the records of the 2nd respondent proceedings under Summon 91&160 Cr.P.C. dated 04.03.2018 on the file of CSR.No.196/T.14.PS/2018 and to quash the same.

For Petitioner : Mr.T.Gobinath

For Respondents : Mrs.P.Kritika Kamal,  
Government Advocate (CrI.Side)

O R D E R

This criminal original petition has been filed to direct the 2nd respondent to put the petitioner, back in the possession of his shop forthwith, pending disposal of the instant Original Petition and to call for the records of the 2nd respondent proceedings under Summon 91 & 160 Cr.P.C. dated 04.03.2018 on the file of CSR.No.196/T.14.PS/2018 and to quash the same.

2. On the complaint lodged by one Periyasamy, the petition enquiry is pending in CSR.No.196 of 2018 in which Police have issued summons under Section 160 Cr.P.C calling upon the petitioner to appear. Challenging the summons, this quash petition has been filed.

3. Heard the learned counsel for the petitioner who submitted

that the transaction is purely a civil in nature and therefore, the petitioner cannot be summoned for enquiry.

4. In the considered opinion of this Court, as laid down by the Supreme Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)], in certain cases, it is open to the respondent Police to conduct a preliminary enquiry before registering FIR. In this case, the Police are only conducting a preliminary enquiry and have issued summons under Section 160 Cr.P.C. Therefore, such summons cannot be quashed under Section 482 Cr.P.C.

5. The petitioner is directed to appear before the respondent Police and during enquiry, she shall not be harassed.

With the above direction, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is also closed.

Sd/-  
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

lok

To

1. The Commissioner of Police,  
Office of the Commissioner of Police,  
Vepery, Chennai 600 007
2. The Inspector of Police (Law and Order),  
T14, Mangadu Police Station,  
Chennai-600 122
3. The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.T.Gopinath, Advocate SR.NO. 29787

Crl.O.P.No.11817 of 2018  
and CRL.MP.No.6236 of 2018

KK(CO)  
JK 16/05/18