

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 11.04.2018  
CORAM  
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH  
W.P.No.1409 of 2018  
and WMP No.1787 of 2018

K.Abbas

... Petitioner

Vs

1.The Superintendent of Police,  
Vellore District.

2.The Additional Superintendent of Police,  
Law and Order, Vellore Range,  
Vellore District.

3.A.L.Ravi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to drop all further action pertaining to the summons dated 20.12.2017 in respect of the complaint dated 12.12.2017 pending on the file of the 2<sup>nd</sup> respondent.

For Petitioner : Mr.Sriram for M/s.S.Vijayaganesh

For Respondents : Mr.D.Raja,  
Government Advocate  
for R1 and R2

ORDER

On the complaint lodged by one Ravi, the respondents are conducting a preliminary enquiry and have issued a summons under Section 160 of CrPC to the petitioner. Challenging which, this Writ Petition has been filed.

2.Mr.A.V.Ragupathi, Sub Inspector of Police, D.C.B., Vellore District, is present before this Court.

3.In Lalita Kumari v. Government of Uttarpradesh & Others reported in (2014) 2 SCC 1, the Hon'ble Supreme Court has held that whenever a complaint is lodged, it is the duty of the respondent police to conduct a preliminary enquiry on the complaint in certain cases before registering a regular F.I.R. Only on those circumstances, the police have issued summons under Section 160 of Cr.P.C.

4. Such a summons cannot be quashed under Article 226 of the Constitution of India. However, the petitioner is directed to appear before the respondent police for enquiry and during the enquiry, he should not be harassed.

5. In the counter affidavit filed by the respondent police, it is stated as follows:

"Thereafter, in the year 2014, the defacto complainant asked to refund his money of Rs.8 crores, based on that, he was called upon for meeting at T.M.M.K. office, in Chennai and in that meeting, the President of said Party was also present and they are not able to give Rs.8 crores and admitted for giving only Rs.3 crores. With regard to this issue they executed an Agreement dated 20.12.2015. As per the agreement the said Abbas has to settle the said amount to the defacto complainant within 31.12.2016.

But, the said Abbas till date did not settle any amount as per the agreement executed by him. Hence, the defacto complainant approached the petitioner and questioned about his money, but he abused him in filthy language and also threatened him with dire consequences. Hence, this complaint."

6. From the reading of the above, it is apparent that the 3<sup>rd</sup> respondent and the petitioner had entered into an agreement on 20.12.2015, under which, the petitioner had agreed to pay the amount to the 3<sup>rd</sup> respondent before 31.12.2016. Thus, it is obvious that the transaction is purely civil in nature.

In such view of the matter, this Court directs the respondent police to complete the enquiry and close the same as expeditiously as possible provided the petitioner co-operates by appearing for the enquiry as directed above. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Superintendent of Police,  
Vellore District.

2.The Additional Superintendent of Police,  
Law and Order,  
Vellore Range,  
Vellore District.

+1 cc to Mr.S.Vijayaganesh Advocate sr 26735  
+1 cc to Govt pleader sr 28080

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