

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2018

CORAM

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

Crl.O.P. No.15566 of 2018

and

Crl.M.P.No.7943 of 2018

Somasundaram

...Petitioner

vs.

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

2.The Deputy Superintendent of Polic,
Villupuram.

3.The Inspector of Police,
West Police Station, Villupuram.

4.Kalyanasundaram

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.No;P2/7438/2018 C.No:44/SDO-B/GDP/2018 dated 08.06.2018 on the file of the second respondent and quash the same.

For petitioner : Mrs.M.Sudha

For respondents : Mrs.P.Kritika Kamal

Government Advocate (Crl.Side)

For R1 to R3

O R D E R

This Criminal Original Petition has been filed to call for the records in C.No;P2/7438/2018 C.No:44/SDO-B/GDP/2018 dated 08.06.2018 on the file of the second respondent and quash the same.

2. On the complaint lodged by one Kalyanasundaram, a petition enquiry is pending in C.No;P2/7438/2018 C.No:44/SDO-B/GDP/2018 before the second respondent police and therefore, the second respondent police issued a summon to the petitioner to appear for enquiry. It is seen that not even a regular FIR has been registered against the petitioner. In Lalita Kumari vs. Govt. of U.P. & others [(2014) 4 SCC 1, the Supreme Court has held that in certain matters the police can conduct preliminary enquiry before registering the FIR.

3. In this case, the respondent police has only issued a summon to the petitioner to appear for enquiry, so that they can hear his version. Such a summon cannot be quashed under Section 482 Cr.P.C. However, the petitioner is directed to appear before the police for enquiry and during the course of enquiry, he shall not be harassed. However, if any cognizable offence is made out, this order would not be a shield against the arrest of the accused.

With the above observation, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Deputy Superintendent of Police,
Villupuram.
3. The Inspector of Police,
West Police Station,
Villupuram.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

सत्यमेव जयते

Cr1.O.P. No.15566 of 2018

GSP (22/06/2018)

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