

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.12.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.30284 of 2018
and
Crl.M.P.No.17812 of 2018

K.Thangavel @ Periyasamy

...Petitioner

Vs.

- 1.The Superintendent of Police,
Nammakal District.
- 2.The Deputy Superintendent of Police,
Thiruchengodu, Nammakal District.
- 3.The Inspector of Police,
Molasi Police Station,
Nammakal District.
- 4.The Inspector of Police,
Pallipalayam Circle,
Nammakal District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the impugned summons dated 17.12.2018 issued by the 4th respondent under section 91 of Cr.P.C. and quash the same.

For Petitioner :M/s.P.Vijendran

For Respondent : M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed challenging the impugned summons of the fourth respondent dated 17.12.2018.

2. It is seen from the records that the petitioner along with the others are in possession and enjoyment of certain agricultural lands. A criminal complaint was given by the Vijayakumar and others against the petitioner. Based on the complaint, the respondent police by summons, dated 17.12.2018, have prevented the petitioner from virtually enjoying the property. In other words, the police has passed an order of injunction against the petitioner.

3. This Court is of the considered view that the fourth respondent does not have power to pass an order of this nature in exercise of his jurisdiction under Section 91 of Cr.P.C. These orders are passed only by a competent Civil Court and the fourth respondent cannot arrogate to himself that power. The impugned summons on the face of it, is illegal.

4. In view of the above, the impugned summons, dated 17.12.2018, issued by the fourth respondent, is hereby set aside. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Nammakal District.
- 2.The Deputy Superintendent of Police,
Thiruchengodu, Nammakkal District.
- 3.The Inspector of Police,
Molasi Police Station,
Nammakal District.
- 4.The Inspector of Police,
Pallipalayam Circle, सत्यमेव जयते
Nammakal District.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.

CrI.O.P.No.30284 of 2018
and
CrI.M.P.No.17812 of 2018

vba(co)
nr 08/02/2019