

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.06.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.15760 of 2019
and
CrI.M.P.No.7880 of 2019

Venkatesan

...Petitioner

-Vs-

1.State by Sub Inspector of Police,
D-1, Chengalpet Town Police Station,
Chengalpet, Kancheepuram District.
(CSR No.494 of 2019)

2.A.V.Umamaheswari.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in the proceedings dated 13.06.2019 issued under Section 160 Cr.P.C. in C.S.R.No.494 of 2019 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.A.Damodaran

For respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the summon issued by the respondent police under Section 160 of Cr.P.C.

2. The learned counsel for the petitioner submitted that a summon under Section 160 of Cr.P.C. cannot be issued without registration of an FIR and such a summon is contemplated only in the course of investigation.

3. The learned Additional Public Prosecutor submitted that the respondent Police will take an appropriate decision regarding the registration of FIR in the pending complaint in C.S.R.No.494 of 2019 and thereafter, will proceed further in accordance with law.

4. This Criminal Original Petition is disposed of by recording the submissions of the learned Additional Public Prosecutor and with a specific direction to the 1st respondent that he cannot issue summons to the petitioner under Section 160

of Cr.P.C. even without the registration of FIR and call him for an enquiry. If at all, the 1st respondent wants to conduct any enquiry by issuing summons under Section 160 of Cr.P.C., the first respondent has to first take a decision regarding the registration of the FIR in C.S.R.No.494 of 2019. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rri/kal

To

1.The Sub Inspector of Police,
D-1, Chengalpet Town Police Station,
Chengalpet, Kancheepuram District.
(CSR No.494 of 2019)

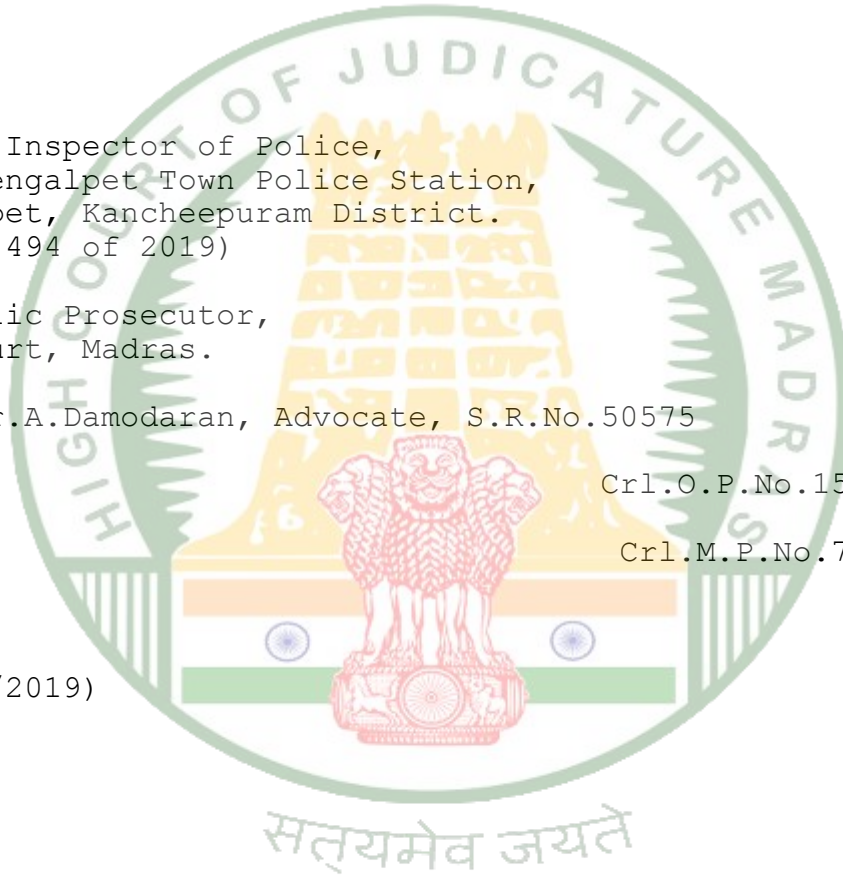
2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Damodaran, Advocate, S.R.No.50575

Crl.O.P.No.15760 of 2019
and
Crl.M.P.No.7880 of 2019

BS (CO)

RRS (24/06/2019)



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