

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.26036 of 2019

and

Crl.M.P.No.13844 of 2019

1.R.Rajasekaran

2.K.Abarnadevi

...Petitioners

Vs

1.The State rep by
The Inspector of Police,
Economic Offence Wing II,
Vellore District.

2.The District Revenue Officer,
Competent Authority,
Vellore District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the undated summons in Crime No.3 of 2014 on the file of the respondent police, Vellore District.

For Petitioners : Mr.Abrar Mohamed Abdullah

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the undated summons in Crime No.3 of 2014 on the file of the respondent police, Vellore District.

2. In the First Information Report, which came to be registered in the year 2010, the petitioners herein who are not accused in the FIR, have now been summoned to appear before the respondent along with the Demand Draft of Rs.13,80,000/-, failing which, it is stated that case for the said amount would be initiated against them in the Special Court, Chennai. According to the learned counsel for the petitioners, they are original owners of the property and in the year 2012, they leased out the property in favour of M/s.Dev Sree Maruthi Bankers and M/s.Dev Sree Maruthi Chits Private Limited. The companies had also vacated the premises and handed over the property in the year 2014. There is no explanation as to why the

petitioners have to submit the Demand Draft amounting to Rs.13,80,000/-.

3. The learned Additional Public Prosecutor submitted that the investigation is in progress.

4. When the petitioners are not the persons involved in day-to-day affairs of M/s.Dev Sree Maruthi Bankers and M/s.Dev Sree Maruthi Chits Private Limited but are the owners of the property who had leased out the same to these two finance companies, there is no justification on the part of the respondent police to call upon them to produce the demand draft of Rs.13,80,000/-. It is not in dispute that the petitioner is neither an accused nor the complainant and their limited overt act is that they were the owners of the property in which, the finance companies were operating from. While that being so, the summons calling upon the petitioners to produce the demand draft is improper.

5. Accordingly, the undated impugned summons issued by the respondent police to the petitioners under Sections 160 and 91 of the Code of Criminal Procedure, 1973, is quashed. However, during the course of investigation, if any statement of the petitioner is required, the petitioner shall co-operate with such investigation for the limited purpose of giving their statements.

6. The Criminal Original Petition stands allowed, accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(j)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Inspector of Police,
Economic Offence Wing II,
Vellore District.

2.The District Revenue Officer,
Competent Authority,
Vellore District.

3.The Public Prosecutor,High Court of Madras.

+1cc to Mr.Mr.Abrar Mohamed Abdullah , Advocate SR.No. 94672
Crl.O.P.No.26036 of 2019 and
Crl.M.P.No.13844 of 2019

A.SK(06/12/2019)