



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.(MD).No.3803 of 2019
and Crl.M.P.(MD).No.2232 of 2019

1.Benin Sam
2.R.Samuel
3.S.Mary

... Petitioners

Vs

1.State Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District. ...Respondent
(DCB No.DSP/DCB/144/2019)

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and to quash the same against this petitioner in DCB No.DSP/DCB/144/2019 on the file of the District Crime Branch, Nagercoil, Kanyakumari District.

For Petitioner : Mr.K.A.Ramakrishnan

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

O R D E R

The present petition is filed challenging the summon issued under Section 91 Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that when no case is registered, it is not permissible for the respondent to issue summons under Section 91 Cr.P.C.

3.The learned Government Advocate (Crl. side) submitted that the Investigating Agency has received three complaints, accusing the petitioner of cheating some persons on promise of securing job. He also added that the total amount involved in these three complaints is about 25 Lakhs.

4.Admittedly, no case as said has been registered and therefore, the petitioner is on strong wicket statutorily. If the complaint discloses the commission of any offence, then, the Investigating Agency is directed to register a case in terms of +**Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6)**

CTC 353.



5.This Criminal Original Petition stands allowed accordingly.
Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

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Sub Assistant Registrar(CS-)

To

- 1.The Inspector of Police,
District Crime Branch, Nagarcoil,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.3803 of 2019

SP/ 08.04.2019/ 2P/3C