



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.5731 of 2019

and

CrI.M.P.(MD)No.3622 of 2019

N.Komalavalli

... Petitioner / Accused

Vs.

1. The State represented by
The Deputy Superintendent of Police,
Camp Office, Karaikudi,
Sivagangai District.

2. The State Represented by
The Inspector of Police,
Karaikudi Azhagappapuram Police Station,
Sivagangai District.

... Respondents 1 & 2 / Complainants

3. M.Rajendran

... 3rd Respondent / Defacto

Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the summon in C.No.N4/6600/G/420/2019 under Section 160 Cr.P.C., dated 07.03.2019 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner

: Mr.T.Lajapathi Roy

For R1 and R2

: Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (CrI.Side).

ORDER

This petition is filed to quash the summon in C.No.N4/6600/G/420/2019 under Section 160 Cr.P.C., dated 07.03.2019 on the file of the first respondent.

2.The learned counsel appearing for the petitioner would submit that based on the complaint given by the third respondent, the Law Enforcing Agency has issued summons under Section 160 Cr.P.C. Challenging the same, this petition is filed.

3.The learned Government Advocate (CrI.Side) appearing for the respondents 1 and 2 would submit that based on the complaint given by the third respondent, the Law Enforcing Agency has issued summons to the petitioner. If the petitioner co-operates with the enquiry, it will enable the Law Enforcing Agency to decide the case. Since the petitioner is being a lady, she cannot be called upon to



attend enquiry in the police station as per Proviso of Section 160 Cr.P.C.

4. Considering the above submissions, this Court directs the Law Enforcing Agency to follow the proviso of Section 160 Cr.P.C. and pass appropriate orders and the petitioner is also directed to co-operate with the enquiry.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Camp Office, Karaikudi,
Sivagangai District.
2. The Inspector of Police,
Karaikudi Azhagappapuram Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-62317[F] dated 24/04/2019)

Cr1.O.P. (MD) No.5731 of 2019
22.04.2019

myr
MK/DS (03.05.2019) 3P 5C