



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2019

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THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

CRL.O.P. (MD) .No.10633 of 2019

WEB COPY

Murugan

: Petitioner

Vs.

1.The Inspector of Police,
Avaniapuram Police Station,
Avaniapuram,
Madurai District.

2.The Sub-Inspector of Police,
Avaniapuram Police Station,
Avaniapuram,
Madurai District.

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to set aside the summon issued by the second respondent.

For Petitioner : Mr.R.Senthil Kumar
For R1 & R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to quash the summons issued under Section 160(1) Cr.P.C..

2. The grievance of the petitioner is that with regard to the occurrence took place on 02.07.2019, in which the petitioner was injured and admitted in the hospital, the petitioner and his wife have given complaint before the respondent police. But without registering the complaint, the second respondent police is keeping the matter pending and issued summons directing the petitioner to appear for enquiry under Section 160 (1) Cr.P.C. Aggrieved over the same, the petitioner has filed the present petition.

3. According to the petitioner, the complaint made by the petitioner clearly makes out a cognizable offence, but without registering the complaint, now the respondent police issued summons to the petitioner under Section 160 (1) Cr.P.C..

4. Today, both the respondents appeared before this Court and submitted that based on the complaint given by the petitioner a FIR has been registered today in Crime No.705 of 2019 for the offence under Sections 341, 147, 148, 294(b), 324 and 506(ii) IPC.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

6. Admittedly, FIR has been registered by the respondent police based on the complaint given by the petitioner only today (i.e., on 29.07.2019) and investigation on the said complaint is being pending. The respondent police, even before registering FIR and commencing investigation, can not issue summons to the petitioner under Section 160 (1) Cr.P.C.. Accordingly, the summons issued by the respondent police directing the petitioner to appear for enquiry is quashed, and the respondent police is directed to conduct investigation on the complaint of the petitioner and file a final report as expeditiously as possible.

7. This Criminal Original Petition is allowed accordingly.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Avaniapuram Police Station,
Avaniapuram, Madurai District.
- 2.The Sub-Inspector of Police,
Avaniapuram Police Station,
Avaniapuram,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) .No.10633 of 2019
Dated:29.07.2019

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MK (07.08.2019) 3P 4C