



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P. (MD) No.10526 of 2019

1.P.Ganapathy

2.Sheeba

: Petitioners

Versus

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Deputy Superintendent of Police,
Nagercoil Town, Kanyakumari District.

3.The Deputy Superintendent of Police,
DCB, Nagercoil, Kanyakumari District.

4.The Inspector of Police,
DCB, Nagercoil,
Kanyakumari District.

5.Mahin Abubaker,
Proprietor of City Maxi Cab,
Cab Road, Parakkai Junction,
Nagercoil.

: Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for records relating to impugned summons in N.Ref;P2/SP/3154/2019, dated 18.07.2019, issued by the second respondent, and quash the same.

For Petitioners

: Mr.S.Suresh Kumar

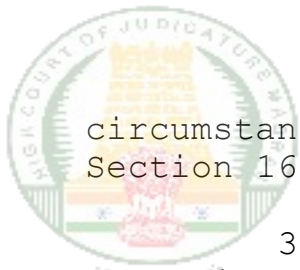
For R-1 to R-4

: Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

O R D E R

This petition has been filed challenging the summons issued by the fourth respondent under Section 160 of the Code of Criminal Procedure, directing the petitioners to appear for enquiry.

2.According to the petitioners, as on today, there is no First Information Report registered against them. In the above



circumstances, the respondent Police cannot issue summons under Section 160 of the Code of Criminal Procedure.

3.The learned Government Advocate (Criminal side) appearing for the State, on instructions, submitted that only the petition enquiry is pending against the petitioners, based on a compliant given by the fifth respondent, so far no crime has been registered against the petitioners.

4.I have considered the rival submissions.

5.Considering the above circumstances, no First Information Report Register and no investigation is pending against the petitioners, the respondent Police cannot issue summons under Section 160 of the Code of Criminal Procedure. In the said circumstances, the summons issued to the petitioners should necessarily be quashed. Accordingly, the summons issued under Section 160 of the Code of Criminal Procedure is hereby quashed. However, considering the fact that, enquiry is pending against the petitioners, the petitioners are directed to appear for the enquiry and co-operate with the enquiry and during the enquiry, the respondent Police is directed not to harass the petitioners under the guise of enquiry.

6.With the above direction, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Superintendent of Police, Kanyakumari District, Nagercoil

2.The Deputy Superintendent of Police,
Nagercoil Town, Kanyakumari District.

3.The Deputy Superintendent of Police,
DCB, Nagercoil, Kanyakumari District.

4.The Inspector of Police, DCB, Nagercoil, Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-78109[F] dated 26/07/2019)

Order made in

Cr1.O.P. (MD) No.10526 of 2019

Dated: 25.07.2019