



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

W.P. (MD)No.19274 of 2019
and
W.M.P. (MD) .No.15696 of 2019

R.Usha Nandhini ... Petitioner

Vs.

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

2.S.Kannan,
Inspector of Police,
Samayanallur Police Station,
Madurai District.

3.The Inspector General of Police,
South Zone, Madurai.

4.P.K.Central Mani,
S/o. Karuppasamy Nadar,
Managing Director,
Maharani Amusement Park Private Limited,
No.27B and C, South Chithirai Street,
Madurai-1.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the impugned summons issued by the first and second respondents dated 23.08.2019 and quash the same.

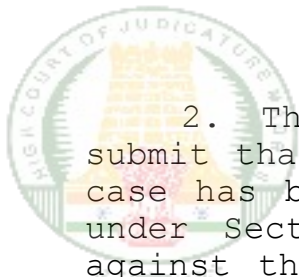
For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 to R-3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For R-4 : Mr.N.Dilipkumar

O R D E R

This Writ Petition has been filed seeking to quash the impugned summons issued by the first and second respondents dated 23.08.2019.



2. The learned counsel appearing for the petitioner would submit that based on a complaint lodged by the fourth respondent a case has been registered in crime no.174 of 2019 for the offences under Sections 147, 447, 294(b), 417 and 506(ii) of I.P.C., as against the two persons. Pursuant to the crime registered by the third respondent, the petitioner and others were called for enquiry under Sections 91 & 160 Cr.P.C., dated 23.08.2019. All the accused persons are women and as such, under Section 160(1) of Cr.P.C., called upon them to police station for investigation. Therefore, the impugned summon is unreasonable and unwarranted and the same was issued with malafide intention to humiliate and insult the petitioner.

3. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for R-1 to R-3 and Mr.N.Dilipkumar, learned counsel appearing for R-4.

4. The case has been registered as against the father of the petitioner and as such the petitioner and others were called for investigation. As per Section 160 of Cr.P.C., no women shall be required to attend at any place other than the place in which such male person or women resides. It is seen from the impugned summon, the first respondent has issued a summon thereby directed the petitioner and others to appear for investigation in pursuance of the FIR registered in Crime No.174 of 2019 for the offences under Sections 147, 447, 294(b), 417 and 506(ii) of I.P.C by the Inspector of Police, Samayanallur Police station. In view of the above, the impugned summon cannot be sustained and it is liable to be quashed.

5. Accordingly, the writ petition is allowed and the impugned summon, dated 23.08.2019 is quashed. However, investigate the petitioner on their convenient place and suitable time. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

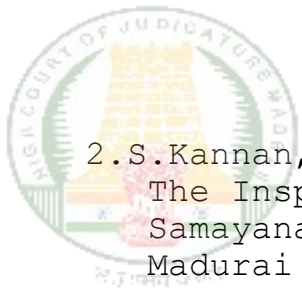
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Sub Assistant Registrar(CS)

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To

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



2.S.Kannan,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.

3.The Inspector General of Police,
South Zone, Madurai.

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

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-91571[F] dated 04/10/2019)

Order made in
W.P. (MD) No.19274 of 2019
Dated: **04.10.2019**

JMN(02.12.2019) 3P : 6C