

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE. M. NIRMAL KUMAR

Crl. O.P. No.14736 of 2017
and
Crl.M.P.No.9319 of 2017

I. Ubaid Rahiman
S/o. T. M. Ibrahim ...Petitioner
Vs.

1. The State Rep. by,
The Inspector of Police (L&O),
B-1, Bazaar Police Station,
Coimbatore City,
Coimbatore - 641 001.

2. K. Indirani,
W/o. Krishnasamy ...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned summon in No. Nil dated 21.07.2017 from the file of the first respondent and to quash the same as illegal, unlawful, unconstitutional, without jurisdiction *ultra vires* and cannot be tenable under any law in force.

For Petitioner : Mr. Adv. R. Krishnamurthy
For R-1 : Mr. K. Prabakar,
Additional Public Prosecutor
For R-2 : Mr. T. Balaji

सत्यमेव जयते
ORDER

(This case has been heard through video conferencing)

This petition has been filed by the petitioner seeking to quash the summons issued by the first respondent on 21.07.2017 and directing the petitioner to appear on 22.07.2017 on the complaint given by the second respondent.

2. The contention of the petitioner is that there is a dispute between the petitioner and the second respondent is of civil in nature and as per police standing order 565(2)(b) "the police are not empowered to enquire into the matters of civil in nature". Hence they approached this Court seeking for quashing.

3. The learned counsel for the second respondent/defacto complainant submits that the petitioner had committed an offence immediately on receipt of the summons from the police without aiding enquiry /investigation had approached this Court. If the petitioner has to make submission about any dispute is civil in nature they ought to have appeared before the respondent and submitted the same, dis-obeying the public servant order and throttling the enquiry and investigation at the initial stage is not permitted. He further submit that no investigation/enquiry could be conducted if such approach is made.

4. The learned Additional Public Prosecutor submits that initially the second respondent had given a complaint before the first respondent/Inspector of Police, B-1, Bazaar Police Station, Coimbatore thereafter the petitioner had approached this Court and hence no investigation could be carried out.

5. While so on, the second respondent had filed another complaint before the Deputy Commissioner of Police, addressed to the commissioner of police and handed over to the Deputy commissioner of police (L&O), Coimbatore which was forwarded in C.No.1242/PG/DCP (L&O)/ CBE-2019 against one Shajahan and Ubaid Rahman the petitioner herein. The said complaint was forwarded to the first respondent who conducted enquiry and investigation finding is that there is a civil suit pending in S.A.No.1082 of 2015 between the petitioner and the second respondent before the Civil Court both parties were advised to approach the civil court for their grievances and closed the complaint on 19.07.2019.

6. In view of the same, nothing survives for adjudication in this petition for quashing. Hence, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police (L&O),
B-1, Bazaar Police Station,
Coimbatore City,
Coimbatore - 641 001.

2. The Public Prosecutor,
High Court, Madras.

Crl. O.P. No.14736 of 2017
and
Crl.M.P.No.9319 of 2017

SSD(CO)
RV(10/12/2020)



WEB COPY