



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.11600 of 2020 and

CrI.MP(MD) No.5283 of 2020

WEB COPY

G.Sathya

:Petitioner

Vs

State rep by
The Assistant Commissioner,
City Crime Branch,
Rew Raja Colony, Bhima Nagar,
Sangilyandapuram,
Trichirapalli - 620 001

:Respondent

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the summons dated 05.10.2020 of the respondent herein and to quash the same as illegal.

For Petitioner : Mr.P.S.Kothandaraman

For Respondent : Mr.S.E.Veronica Vencent
Government Advocate

O R D E R

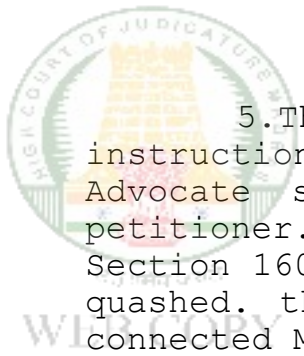
Heard the learned counsel on either side.

2. The petitioner challenges the impugned summons issued under Section 160 of Cr.P.C.

3.The petitioner's counsel points out that when no First Information Report was registered against the petitioner, the impugned summons cannot be issued under Section 160 of Cr.P.C. The petitioner places reliance on the decision reported in **2004(1) CTC 130(Mad) Prakash Transports Vs The Inspector of Police, Central Crime Branch, Salem**. The relevant paragraph is extracted below:-

7.In the result, the summon issued by the second respondent police is hereby quashed. It is left open to the second respondent police to proceed further with the case and deal with the complaint in accordance with the guidelines given by the Honourable Supreme Court in Lalitha Kumari Vs.Government of Uttar Pradesh reported in 2013 (6) CTC 353. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

4.The said decision is squarely applicable to the case on hand, provided that there is no case registered against the petitioner.



5.The learned Government Advocate was called upon to get instructions and the matter was passed over. The learned Government Advocate states that no case has been registered against the petitioner. Therefore, issuance of the impugned summons under Section 160 of Cr.P.C, is without jurisdiction and hence the same is quashed. this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Assistant Commissioner,
City Crime Branch,
Rew Raja Colony, Bhima Nagar,
Sangilyandapuram,
Trichirapalli - 620 001
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T. PON RAMKUMAR, Advocate (SR-20503[F] dated 19/10/2020)

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16.10.2020

VB (03.11.2020) 2P 4C