

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP No.6398 of 2021
and WMP No.7002 of 2021

1. S.Guruswamy
2. N.S.Sundaram
3. D.Ethirajulu
4. P.Shanmugaraj

.. Petitioners

Vs.

1. Superintendent of Police,
Vellore District,
Office of superintendent of Police,
Vellore District.

2. Inspector of Police,
Katpadi Circle Police Station,
Vellore District.

3. Mr.S.K.Srinivasan

.. Respondents

Prayer: Writ petition filed under Section 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records pertaining to the undated summon issued by the 2nd respondent namely, the Inspector of Police, Katpadi Circle, Vellore District and quash the same.

For Petitioner : Mr.K.Elangovan

For Respondent No.1 : Mr.C.Raghavan
Government Advocate

ORDER

This writ petition has been filed challenging the summon issued by the respondent police under section 160 and 91 of Cr.PC.

2. Heard the learned counsel for the petitioner and Mr.Mohammed Riyaz, Additional Public Prosecutor appearing on behalf of respondents 1 and 2.

3. It is seen from records that in the present case even an FIR has not been registered under Section 154 of Cr.PC. It is now a settled law that even without the registration of a Crime, the police did not have the jurisdiction to issue summons under Section 160 of Cr.PC and compel the presence of the petitioner.

4. The summons under Section 160 of Cr.PC can be issued by any police officer for making an investigation and the sine quo non for issuing such summon is the crime registered in terms of Section 154 of Cr.PC.

5. In view of the above, the respondent police have issued a summon without jurisdiction and the same requires interference of this Court and accordingly, the impugned summon issued by the 2nd respondent is hereby quashed and accordingly, this writ petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Vellore District,
Office of superintendent of Police,
Vellore District.

2.The Inspector of Police,
Katpadi Circle Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Ganesh, Advocate, S.R.No.16555

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GPL (CO)
CB(18/05/2021)