

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4676 of 2021

M.Saroja

.. Petitioner

Vs.

1. The state rep by its
The Inspector of Police,
Namagiripettail Police Station,
Namakkal (District)

2. K.R.Rajkumar
3. Ganasakthi Jagadesan
4. S.R.Rathinamala

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to

call for the records and quash the summons dated 18.02.2021 issued by

the first respondent herein purported under Section 160 and 91 Cr.P.C

on the basis of the complaint lodged by the second respondent herein

directing the petitioner to appear for enquiry.

For Petitioner : Mr.C.B.Murali Krishnan

For Respondent No.1 : Mr.M.Mohameed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original 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 1st respondent.

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 dated 18.02.2021 is hereby quashed and accordingly, this criminal original petition is allowed.

12.03.2021

Index :Yes/No

Internet:Yes/No

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To

1. The Inspector of Police,
Namagiripettail Police Station,
Namakkal (District)
2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.

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