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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12026 of 2021

Subburayalu,
S/o, Kannan

... Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore Old Town,
Cuddalore.
4. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore.
5. The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore.
6. Suguna
W/o, Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the summons dated nil issued by the 5th respondent with reference to SPGP No/1140/2020 dated 21.12.2020 to appear for enquiry on 24.06.2021.

For Petitioners : Mr.D.Baskar

For R1 to R5 : Mr.E.Raj Thilak
Government Advocate(Criminal Side)



ORDER

This Criminal Original Petition has been filed by the petitioner to to quash the summons issued by the 5th respondent with reference to SPGP No/1140/2020 dated 21.12.2020 to appear for enquiry on 24.06.2021.

2. The contention of the petitioner is that the petitioner and the 6th respondent have got some civil dispute and the civil suit is pending independently. The 6th respondent had lodged the complaint by giving criminal colour to the civil dispute. The respondent police without conducting any preliminary enquiry or finding the truth of the complaint, mechanically sent summons to the petitioner. After the receipt of the notice by the petitioner, the 4th respondent rang up to the petitioner and threatened that if he fails to respond to the summon, drastic action would be taken and a case with fabricated documents would be initiated against him. Fearing for the same he has filed the above petition.

3. The learned Government Advocate appearing for the official respondents submitted that on receipt of the complaint, the third respondent sent notice and it is only a enquiry notice calling the petitioner to appear for the enquiry. The petitioner is required to appear before the respondent and offer his explanation with the relevant documents, the respondent has followed the guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in Lalita Kumar Vs. Government of Uttar Pradesh and Others.

4. The petitioner is now making allegation that the 4th respondent is attempting to foist a false case against him which is not proper. Investigating agency should be given free hand to conduct enquiry and proceed with the investigation. After the completion of investigation prima facie, if cognizable offence is made out, final report can be either both positive or negative, depending upon the evidence collected during the investigation.

5. Considering the submissions it is seen that the petitioner may have several grounds in his favour and the same has to be explained with the relevant documents by submitting to the investigating agency. The petitioner is directed to offer his explanation along with relevant documents during the enquiry and the respondent police is directed not to take coercive action against the petitioner. The respondent police is directed to take action based on the materials and after enquiry. The counsel for the petitioner voluntarily come forward and submit that he shall appear before the respondent police on 26.07.2021 and thereafter as required and cooperate with enquiry.



6. With the above directions, the Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore Old Town,
Cuddalore.
4. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore.
5. The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Baskar, Advocate, S.R.No.32859

CRL.O.P.No.12026 of 2021

RP(CO)
HS(14/07/2021)