

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19699 of 2020

Soundara Rajan

..Petitioner

.Vs.

1.The Deputy Superintending Police,
Vandaloor Sub-Zone,
Chengalpattu District. ..1stRespondent/Complainant

2.Balaraman ..2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned notice dated 23.10.2020, in Ref.No.K2/164/1110/2020 dated 10/02/2020, 31/SP-GPP/SDO/VANR/2020 and to quash the same.

For Petitioners: Mr.M.Prabhakar

For R 1 : Mr.C.Raghavan
Government Advocate (Crl.Side)

For R 2 : No Appearance

O R D E R

This Criminal Original Petition has been filed questioning the summons issued by the respondent Police under Section 160 of Cr.P.C., directing the petitioner to attend for an enquiry in a complaint.

2. Heard Mr.M.Prabhakar, learned counsel for petitioner and Mr.C.Raghavan, learned Government Advocate appearing for the 1st respondent.

3.The issue involved in the present case is squarely

covered by the earlier judgment of this Court in Benjamin v. The Superintendent of Police, Sivagangai District, Sivagangai and others reported in (2019) 2 LW CrI 628. This Court has categorically held that a summon under Section 160 of Cr.P.C., cannot be issued even without the registration of an FIR under Section 154 of Cr.P.C. In the present case, a summon has been issued even at the compliant stage and no FIR has been registered. Therefore, the summon issued by the respondent police cannot be sustained in the eye of law. If at all the respondent police wants to issue such a summon, the same can be done only after registration of an FIR.

4. In the result, the impugned summon dated 23.10.2020, is hereby quashed and accordingly this criminal original petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP
To

1. The Deputy Superintending Police,
Vandaloor Sub-Zone,
Chengalpattu District.

2. Public Prosecutor
High Court,
Chennai.

+2ccs Mr.B.Mohan, Advocate, Sr.No. 1142

RSI (CO)
RMP (27/01/2021)

सत्यमेव जयते

CRL.O.P.No.19699 of 2020

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