



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.21669 of 2021

in

Cr1. MP. No.11753 of 2021

A.Padmasankar

...Petitioner

Versus

1. The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai -54.

2. B.SuriyaKala.

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records connected with the proceedings of the summons dated 28.10.2021 issued under Section 160 of Cr.P.C. By the 1st Respondent Police, quash the same.

For Petitioner : Mr.K.Thilageswaran

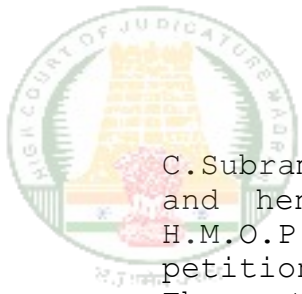
For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the proceedings of the summons dated 28.10.2021 issued under Section 160 of Cr.P.C by the respondent police and quash the same.

2. The 1st respondent has issued summons under Section 160 Cr.PC dated 28.10.2021, directing the petitioner to appear before the 1st respondent police on 29.10.2021.

3. The contention of the petitioner is that the respondent police issued summons under Section 160 of Cr.PC for appearance of the petitioner even without registering an FIR and therefore, the summon itself is not sustainable. He further submitted that there are matrimonial disputes between the petitioner's son



C.Subramanian and the complainant/2nd respondent B.Suriyakala, and hence Matrimonial Petitions in H.M.OP. No.354 of 2019, H.M.O.P. No.173 of 2019, D.V.C. No.26 of 2021 and several other petitions have been filed by them and the same are pending. The petitioner stated that B.Suriyakala had earlier lodged a complaint in Crime No.14 of 2020 before the All Women Police Station, Pudukottai for the offences under Sections 294(b), 498 A of IPC and Section 4 of Dowry Prohibition Act and 2 (a) of the Prohibition of Harassment of Women Act, 2002. Now for the same cause of action, this complaint has been lodged before the first respondent.

4. The learned Public Prosecutor submitted that on the complaint lodged by the complainant, summons have been issued to the petitioner to appear before the respondent police for enquiry. According to the complainant, the petitioner is retaining 57 sovereigns gold jewels, which was presented during marriage and education certificates and other certificates of the second respondent. The respondent police will take a decision with regard to registration of FIR within a short time. If cognizable offence is made out, the same will proceed in accordance with law.

5. This Court is of the view that the petitioner and petitioner's son is having a strained relationship with the second respondent. But this does not give licence to the petitioner, retaining her education certificates and personal belongings.

6. In view of the above, the petitioner is directed to appear before the respondent police on 02.12.2021 and handover whatever documents and personal belongings available with them along with affidavit.

7. Accordingly, this criminal Original Petition is disposed of. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rkp



To

WEB COPY

The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai -54.

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SJ(CO)
SU(03/12/2021)