



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD)No.10704 of 2021 and
WMP (MD) No.8328 of 2021

WEB COPY

1.G.Jayanthi
2.G.Krishnapriya
3.G.Navapavithara
4.D.Vikram

... Petitioners

Vs.

1. The Commissioner of Police,
Tiruchirappalli City,
Trichirappalli.

2. The Inspector of Police,
City Crime Branch Police Station,
Heeber Road,
Beemanagar,
Trichirappalli City.

3.S.Boobandran

... Respondents

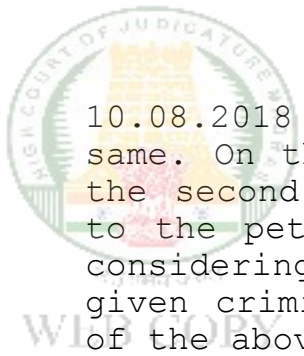
PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned summons/notices dated 21.04.2021 served on 23.04.2021 made in proceedings in Ki(2)/5649/21/646 and quash the same and consequently forbear the respondents 1 and 2 from calling for enquiries and harass the petitioners on the complaint of the 3rd respondent.

For Petitioner : Mr.P.Arumugarajan
For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned summons/notices dated 21.04.2021 served on 23.04.2021 made in proceedings in Ki(2)/5649/21/646 and quash the same.

2.The case of the petitioners is that the first petitioner's husband, namely Ganesan was running a Hotel business and he died on 12.09.2018 leaving behind the petitioners 1 to 3 as his legal heirs. Thereafter, the first petitioner's son in law is looking after the said hotel business. The third respondent has issued legal notice stating that Ganesan borrowed a hand loan from him, in the year 2018 for business purposes and issued post dated cheque bearing date



10.08.2018 for a sum of Rs.15,00,000/- and he has not repaid the same. On the basis of the complaint given by the third respondent, the second respondent issued the impugned summons dated 21.04.2021 to the petitioners with a direction to appear on 23.04.2021. Even considering that it is purely money transaction, which cannot be given criminal colour. So this petition is filed seeking quashment of the above said summons.

3.Heard the learned counsel for the petitioners as well the learned Additional Public Prosecutor appearing for the respondents.

4.On going through the impugned summons, it is seen that it is purely money transaction between one Ganesan and third respondent herein. So, in an earlier occasion, a direction was issued to the second respondent/enquiry officer to conduct the enquiry as per PSO 592 (b) and inform this Court about the outcome of the enquiry.

5.When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that still the enquiry is pending.

6.Considering the submission of the learned Additional Public Prosecutor that enquiry is still pending and also the issue involved in this case is with regard to the money transaction, the second respondent has no role to play. In view of the same, a direction is issued to the second respondent herein to close the complaint by strictly following the procedure contemplated in PSO 592(b).

7.With the above direction, this Writ Petition is allowed to the extent noted above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Commissioner of Police,
Tiruchirappalli City,
Trichirappalli.
2. The Inspector of Police,
City Crime Branch Police Station,
Heeber Road,
Beemanagar,
Trichirappalli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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