



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.9490 of 2021

and

Cr1 MP(MD)No.4837 of 2021

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S.Anand Nataraj

... Petitioner

v.

1.The State,
Rep.by the Inspector of Police,
V2-Avaniyapuram Police Station,
Thirupparankundram Rd, JP Nagar,
Periyasamy Nagar, Madurai.

2.Sethupathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the summons dated 03.07.2021 issued under Section 91 & 160 of Cr.Pc in Petition No.779/2021 by the Inspector of Police, V-2, Avaniyapuram Police Station, Madurai City to the petitioner to quash the same.

For Petitioner	: Mr.AL.Ganthimathi
For R1	: Mr.T.Senthilkumar, Additional Public Prosecutor
For R2	: No appearance

ORDER

The petitioner challenges the summon issued by the first respondent based on the complaint given by the second respondent. The second respondent has been served and his name has also been printed in the cause list. But he has not entered appearance. The learned counsel for the petitioner draws my attention to the decision reported in 2004 (1) CTC 130 (Prakash Transports vs. The Inspector of Police, Central Crime Branch, Salem). In the said decision, it was laid down that without registering an FIR, it is not open to the police to issue summons and calling upon the noticee to attend the enquiry. He would also point out that I had followed the said decision in Cr1 OP(MD)No.11600 of 2020 dated 16.10.2020.

2.I wanted to know from the learned Government counsel as to whether any FIR has been registered against the petitioner. The Government counsel on instructions submitted that no FIR has been registered against the petitioner. Therefore, issuance of the



impugned summon is without jurisdiction. The same is quashed. The criminal original petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.I)

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/ /2021

Sub Assistant Registrar(CS)

skm

To

1.The Inspector of Police,
V2-Avaniyapuram Police Station,
Thirupparankundram Rd, JP Nagar,
Periyasamy Nagar, Madurai.

2.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.GANTHIMATHI A.L., Advocate (SR-33999[F] dated
10/11/2021)

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RD/SKN(22.11.2021) 2P 4C