



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18231 of 2021

and

Crl.M.P.(MD)No.10010 of 2021

Mariammal

... Petitioner

vs.

1.State represented by its,
The Inspector of Police,
District Crime Branch Police Station,
Theni District.

2.Selvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for records relating to the impugned summon issued under Sections 160 and 91 (1) Cr.P.C. dated 13.11.2021 on the file of the first respondent police quash the same.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1
Mr.R.Shankar Ganesh for R2

O R D E R

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent.

2. The second respondent has given a complaint against the petitioner on 22.02.2021. Based on the same, the first respondent has summoned the petitioner herein. The issuance of the summons is put to challenge in the Criminal Original Petition.

3. I wanted to know from the learned Additional Public Prosecutor as to whether any FIR has been registered against the petitioner. The answer is in negative. Therefore, the issuance of the summons is clearly bad in law. The issue is no longer *res integra*. The impugned summon is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.



4. However, I make it clear that allowing this Criminal Original Petition cannot result in termination of the complaint lodged by the third respondent. If the complaint of the second respondent discloses any commission of cognizable offence, the first respondent is bound to register FIR thereon.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

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 Inspector of Police,
District Crime Branch Police Station,
Theni District.

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

+1 CC to M/s.K. SATHISHKUMAR, Advocate (SR-35778[F] dated 24/11/2021)

+1 CC to M/s.R. SHANKAR GANESH, Advocate (SR-35776[F] dated 24/11/2021)

Crl.O.P. (MD)No.18231 of 2021
and

Crl.M.P. (MD)No.10010 of 2021
22.11.2021

MGJ(30.11.2021) 2P 5C