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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.2227 OF 2022

B.Praveena Benhar

... Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

3. Mr.Kalaiarasan

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to direct the Respondents 1 & 2 not to harass the petitioner at the guise of enquiry.

For Petitioners : Mr.R.M.Suresh

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 & R2

O R D E R

This petition has been filed to direct the respondents 1 & 2 not to harass the petitioner under the guise of enquiry.

2. The grievance of the petitioner is that on the complaint of the third respondent, summons were issued to the petitioner for her appearance. She further submitted that the summons were issued under Sections 160 and 91 Cr.P.C., without registering any First Information Report, which is bad in law. In any event, on receipt of the summons, the petitioner sent a detailed reply



to the first and second respondents on 19.01.2021 giving her explanation. She further submitted that her husband is working in Rick in Iraq Country and one Thangamani had approached her husband to get a job for the third respondent in Iraq. The petitioner's husband endeavored to get a job, which went in vein and hence, he returned the amount. The petitioner has nothing to do with the third respondent's job enquiry.

3. The learned Additional Public Prosecutor submits that the third respondent had lodged a complaint with the Superintendent of Police, Cuddalore, which was forwarded to the second respondent vide complaint No.SPGP No.3646 of 2021 on 22.12.2021. On receipt of the same, the petitioner was directed to appear for enquiry on 21.01.2022, but she failed to appear. Now, she filed the present petition for not to harass.

4. It is seen that a complaint has been lodged alleging that the third respondent paid a sum of Rs.1.5 laks to the petitioner's husband, who was working in Iraq, for getting a job in Iraq. The petitioner is a lady, who is residing at Tirunelveli, and she cannot be blamed and questioned. Further issuance of summons under Sections 160 and 91 Cr.P.C., without registering any case is not proper.

5. In view of the same, this Court set asides the summons and if any tangible materials found against the petitioner, the petitioner's explanation shall be called for and thereafter, appropriate steps shall be taken.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.



3. The Public Prosecutor,
High Court, Madras.

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GJ(CO)
PBS/15/02/2022

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