



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7360 of 2022 and
Cr1.M.P.Nos.4225 & 4226 of 2022

D.Parisuthanathan

...Petitioner

-Vs-

The State Rep by,
The Inspector of Police,
B3, Taluk Police Station,
Kanchipuram,
Kanchipuram District.

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to quash the summon issued by respondent police to the petitioner in Crime No.436 of 2019 registered on the files of the respondent police.

For Petitioner : Mr.K.Mahalingam
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking to quash the summon issued by respondent police to the petitioner in Crime No.436 of 2019 registered on the file of the respondent police.

2.The learned counsel for the petitioner would submit that the petitioner is an practicing advocate for more than 30 years of standing in the Bar in the course of his professional duty, one Mrs.Chitra wife of one Mr.C.Kanchiadaikkan who is the native of Konnayanpatti Village, Ponnamaravathi Taluk, formerly Thirumayam Taluk, Pudukkottai District had approached the petitioner to file a suit for declaration to declare the marriage held between her husband Mr.C.Kanchiadaikkan and one Mrs.Palaniammal is not valid in law. She had issued a cheque for Rs.3,50,000/- towards Court fee and Professional charges. The petitioner had deposited the same in his bank account. Later, he came to know that the cheque has been issued only from the account of her deceased husband. Whiles, notice has been issued



under Section 41-A by the respondent police for enquiry. He would submit that the petitioner is prepared to appear for enquiry, however he is apprehending that he may be booked as an accused.

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3.The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent following the due procedure had issued notice under Section 41-A of Cr.P.C for appearance before the respondent. He would submit that the respondent is duty bound to conduct investigation in a fair manner and in the event of any development in the case, the respondent will follow the procedure in accordance with Section 41-A. He would submit that there is no illegality in issuing the summons by the respondent.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on records.

5.The respondent had issued notice under Section 41-A for appearance of the accused in connection with Cr.No.436 of 2019. The petitioner is duty bound to appear before the respondent. In the event of the petitioner appearing before the respondent, the respondent shall follow the mandate of Section 41-A and complete the enquiry.

6.With the above observation, the criminal original petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jas/tsh
To

1.The Inspector of Police,
B3, Taluk Police Station,
Kanchipuram,
Kanchipuram District.

2.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.K.Mahalingam, Advocate Sr.NO. 21935

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A.SK(12/04/2022)