

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.14922 of 2022
and
Crl.M.P.No.8289 of 2022

B.Prasanna Lakshmi

... Petitioner / Accused

Vs.

1. State represented by its,
The Inspector of Police,
W.9, All Women Police Station,
Villivakkam, Chennai - 600 049.

2. Sri Dhurga Priya

... Respondents / Defacto Complainants

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to call for the records made in Police Notice dated 06.06.2022 issued by the The Inspector of Police, W.9, All Women Police Station, Villivakkam, Chennai - 600 049, the first respondent herein and quash the same as illegal.

For Petitioner : Ms.N.S.Jayanthi
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the notice issued by the respondent Police on 06.06.2022 for the appearance of the petitioner for enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

3. It is seen that the petitioner has filed anticipatory bail application before this Court in Crl.O.P.No.14373 of 2022 and in which this Court by an order dated 28.06.2022, has held as follows:-

"4. Considering the facts and circumstances, the respondent police is directed to conduct enquiry and if any prima facie case is made out against the petitioner, register the F.I.R or close the petition enquiry within a period of two weeks from today. The parties are directed to cooperate with the enquiry. It is needless to say that the respondent police shall not take any coercive steps to secure the accused till the completion of enquiry on the complaint lodged by the defacto complainant."

4. On receipt of the order passed by this Court, the Investigation Agency has issued a notice for enquiry to the accused. It is the duty of the accused to cooperate with the investigation. Therefore, without cooperating the investigation, one cannot seek relief to quash the notice.

5. In such view of the matter, this Court is of the opinion that the application filed to quash the notice issued by the respondent Police is nothing but an abuse of process of law. Accordingly, this Criminal Original Petition stands dismissed. Further, the petitioner is directed to appear before the Investigation Officer for enquiry. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W.9, All Women Police Station,
Villivakkam, Chennai - 600 049.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Ms.N.S.Jayanthi, Advocate, S.R.No.42467

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NSK/27/07/2022