



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22677 of 2021

and

CRL.M.P.No.12342 of 2021

M.Pandian

... Petitioner

Versus

1.State rep. by

The Assistant Commissioner of Police,
Pallavaram Range,
Pallavaram,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the summon issued under Section 91 of Cr.P.C. dated 15.09.2021 by the respondent in C.No.27/COP/PG/2021 and quash the same.

For Petitioner : M/s.R.C.Paul Kanagaraj

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records of the summon issued under Section 91 of Cr.P.C. dated 15.09.2021 by the respondent in C.No.27/COP/PG/2021 and quash the same.

2. It is averred in the petition that the petitioner was served with a summon by the respondent under Section 91 of Cr.P.C. directing him to appear for enquiry on 23.11.2021 and 29.11.2021 based on the complaint lodged by one Prasanth before the Commissioner of Police, Chennai.



3. The learned counsel for the petitioner submitted that the current paper enquiry in C.No.27/COP/PG/2021 dated 15.09.2021 summon under Section 91 of Cr.P.C. cannot be issued. The employment of Section 91 of Cr.P.C would arise only after the registration of the case. In this case admittedly no FIR has been registered hence the petitioner challenged the same.

4. The learned Additional Public Prosecutor without going into the merits of the case would submit that the life of the summon has already been expired. The petitioner was directed to appear for enquiry before the Commissioner of Police on 23.11.2021 & 29.11.2021 now it is January 2022, there is no force in the summon.

5. In view of the above submission made, the petition becomes infructuous and finding that the summon issued against the petitioner for his appearance on 23.11.2021 and 29.11.2021 has already been lapsed, there is nothing survives to act on his summon. Recording the same this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

dpq

To

1.The Assistant Commissioner of Police,
Pallavaram Range,
Pallavaram,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.22677 of 2021
and
CRL.M.P.No.12342 of 2021

RSV(CO)
GMY(10/02/2022)