



CrI.O.P.No.27176 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P.No.27176 of 2022

J.Janani

...

Petitioner

/vs/

1.The Inspector of Police,
Central Crime Branch (CCB),
Tambaram City Police,
Sholinganallur,
Chennai -119.

2.Rajasekar

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to quash the summon issued to the petitioner under Sections 160 and 91 Cr.P.C on the file of the 1st respondent.

For Petitioner
For Respondents

... Mr.S.Salprabhu
... Mr.E.Raj Thilak,
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to quash the summon issued to the petitioner under Sections 160 and 91 Cr.P.C., on the file of the 1st respondent police.



Cr.L.O.P.No.27176 of 2022

2. On the complaint given by the second respondent, a case has been registered in Crime No.183/2022 on 29.09.2022 for the offences under Sections 406, 420 and 120(b) IPC.

3. The grievance of the petitioner is that despite an FIR itself was registered only on 29.09.2022, the summon has been issued under Sections 160 and 91 Cr.P.C on 28.09.2022 itself.

4. The learned Additional Public Prosecutor appearing for the first respondent police submitted that since the petitioner did not appear for enquiry it necessitated the 1st respondent police to issue summons.

5. However the summon has been issued under Sec.160(1)Cr.P.C., It is needless to state that the Proviso to Section 160 (1) Cr.P.C., no male person under the age of 15 years or a woman or a mentally or physically disabled person shall be required to attend at any place other than the place in which such male person or woman resides. For the sake of convenience Section160(1) Cr.P.C., is extracted as hereunder:

*"160. Police officer's power to
require attendance of witnesses.
(1) Any police officer, making an*



CrI.O.P.No.27176 of 2022

investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case ; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides."

6. Since the impugned summon has been issued contrary to the Statutory provisions, the summon is liable to be set aside. However the 1st respondent police can go to the residence of the petitioner for enquiry.

Accordingly, this Criminal Original Petition is **allowed** and the summon dated 28.09.2022 issued to the petitioner by the first respondent is quashed. The 1st respondent police shall go to the residence of the petitioner with prior notice and for enquiry.

08.11.2022

jrs

Internet: Yes/No

Index: Yes /No

Speaking /Non Speaking



WEB COPY



CrI.O.P.No.27176 of 2022

R.N.MANJULA, J.

jrs

To

1. The Inspector of Police,
Central Crime Branch (CCB),
Tambaram City Police,
Sholinganallur, Chennai -119.

2. The Public Prosecutor,
High Court, Madras.

CrI.OP.No.27176 of 2022

08.11.2022