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Crl.O.P.No.26272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.26272 of 2022

G.Mathiyalagan

... Petitioner

Vs.

1. Sub Inspector of Police,
T3, Korattur Police Station,
Korattur,
Chennai - 600 080.

2. S.Naveen

... Respondents

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to quash the summons dated 11.10.2022 issued by the 1st Respondent under Sections 160 and 91 of CrI.P.C.

For petitioner : Mr.P.Sesubalan Raja.

For 1st Respondent : Mr.E.Rajthilak,
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to quash the summons dated 11.10.2022 issued by the 1st Respondent under Sections 160 and 91 of CrI.P.C.



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2. The daughter of the petitioner married the 2nd respondent. Due to the matrimonial dispute, the 2nd respondent filed original Petition in FCOP No.136 of 2019 before the Family Court, Thanjavur seeking divorce. In this circumstance, the petitioner is being summoned by the 1st respondent on the complaint given by the 2nd respondent.

3. According to the petitioner, since the matrimonial proceedings are pending between the daughter of the petitioner and the 2nd respondent before the Family Court, the petitioner is unnecessarily harassed by way of summons issued by the 1st respondent on the complaint given by the 2nd respondent.

4. The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the complaint given by the 2nd respondent has been closed on 30.09.2022 by directing the complainant to seek appropriate remedy before the Family Court. In that case it is unnecessary for the 1st respondent to issue summon on 11.10.2022.



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5. In view of the above, it is made clear that as of now no petition or complaint filed by the 2nd respondent against the petitioner is pending before the respondent Police.

6. Hence, the Criminal Original Petition is allowed. The summon dated 11.10.2022 issued by the 1st respondent under Sections 160 and 91 of CrI.P.C. is hereby quashed.

01.11.2022

vum
Index:yes/No
Speaking order / Non speaking order

To:

The Sub Inspector of Police,
T3, Korattur Police Station,
Korattur,
Chennai - 600 080.



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R.N.MANJULA,J.

vum

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