



CrI.O.P.No.30720 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30720 of 2022

and

CrI.M.P.No.18819 of 2022

S.Velusamy

... Petitioner

Vs.

1. The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam,
Tiruppur District.

2. The Superintendent of Police,
Tiruppur District,
Palladam Road,
Tiruppur.

... Respondent

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to quash the Summons issued to the petitioner by the first respondent
herein dated 03.12.2022 and consequential direction may be issued to any other
independent agency for registration and investigation of the petitioner's
complaint dated 09.06.2022 forwarded by the second respondent in a fair and
impartial manner.



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For Petitioner : Mr.S.Lakshmanasamy
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the Summons issued to the petitioner by the first respondent herein dated 03.12.2022 and consequential direction may be issued to any other independent agency for registration and investigation of the petitioner's complaint dated 09.06.2022 forwarded by the second respondent.

2. Learned counsel for the petitioner submitted that the petitioner has already filed a Criminal Revision in Crl.R.C.No.1223 of 2022 against the order of dismissal of the private complaint filed under Section 156(3) of Cr.P.C in Crl.M.P.No.2879 of 2022. This Court on 29.08.2022 disposed of the revision petition in Crl.R.C.No.1223 of 2022 on the following terms:-

"(i) The order of the learned Judicial Magistrate, Palladam, dated 10.08.2022 made in Crl.M.P.No.2879 of 2022 is set aside.

(ii) The complaint of the petitioner dated 09.06.2022 is forwarded to the 1st respondent police. The 1st respondent shall conduct the preliminary enquiry and follow the



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procedure as laid down by "*Lalithakumari case*" and depending upon the outcome of the preliminary enquiry, the 1st respondent shall register the case and investigate into the same and file the final report in accordance with law or shall give such intimation as mandated under law to the petitioner."

He further submitted that against the direction given to the first respondent to conduct preliminary enquiry, the petitioner filed a Crl.M.P.No.17973 of 2022 to recall this order. Meanwhile, the petitioner received a summon under Sections 160(1) & 91 of Cr.P.C., dated 03.12.2022 for enquiry on 07.12.2022. Thereby, challenging the summon issued against the petitioner, this petition has been filed.

3. Learned Government Advocate (Crl.Side) submitted that enquiry was conducted as per the orders passed in Crl.R.C.No.1223 of 2022, however, the petitioner did not appear for the enquiry.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondents police.



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5. Considered the rival submissions. It is seen that the petitioner has already filed a petition to recall the order passed in Crl.R.C.No.1223 of 2022 dated 29.08.2022. The summon was issued only in pursuance of the order passed in Crl.R.C.No.1223 of 2022. In case, the petitioner has any grievance, he has to seek remedy only in the petition filed for recalling the order passed in Crl.R.C.No.1223 of 2022 dated 29.08.2022. The summon issued in pursuance to the above mentioned order cannot be faulted.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected criminal miscellaneous petition is closed.

13.12.2022

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Index:Yes/No

Speaking/Non speaking order

Note : Issue order copy on 14.12.2022



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To

1. The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam,
Tiruppur District.
2. The Superintendent of Police,
Tiruppur District,
Palladam Road,
Tiruppur.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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and
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13.12.2022