



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1588 of 2022

and

Crl.M.P(MD)No.1142 of 2022

Lakshmanan @ Vedha Lakshmanan ... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.

2.Kulasekaraperumal ... Respondents

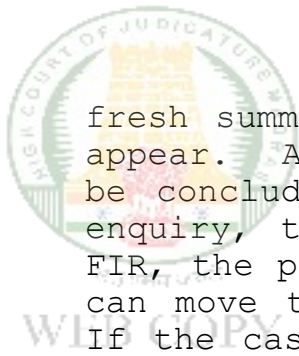
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned summon in C.No.61/ALGSC/2021 issued under Section 91 and 160 of Cr.P.C on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1

ORDER

This Criminal Original Petition has been filed challenging the summons issued by the first respondent. The petitioner's counsel is, of course, right in contending that without registering an FIR, the petitioner cannot be summoned. But, I do not want to adopt a technical approach. The fact remains that the second respondent has given a complaint and the first respondent wants to enquire the same. If no case has been made out, then, obviously, the first respondent has to close the matter. To enable the same only, the first respondent summoned the petitioner for enquiry. I can understand the fear in the mind of the petitioner.

2. At this stage, the learned Additional Public Prosecutor submits that the file has since been transferred to the Inspector of Police, District Crime Branch, Tirunelveli. The Inspector of Police, District Crime Branch, Tirunelveli, is directed to issue a



fresh summon to the petitioner and thereupon, the petitioner shall appear. After such appearance by the petitioner, the enquiry will be concluded within a period of two weeks. If at the end of the enquiry, the District Crime Branch, Tirunelveli is to register an FIR, the petitioner would be put on notice. So that, the petitioner can move the concerned Court for the relief of anticipatory bail. If the case turns out to be purely civil in nature, the complaint shall be closed.

3. With these directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(16.02.2022) 2P 3C