



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.5991 of 2022

WEB COPY

Kosamattam Finance Company Limited,
Rep, by its
Branch Manager,
Rajapalayam Branch,
Mr.C.Gandhi
S/o.Chandra
Having its Branch Office at
Thenkasi Road, Rajapalayam,
Virudhunagar District.

... Petitioner

Vs

1.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

2.The Sup Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

3.Arumugasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records connected to the summon dated 21.03.2022 issued by the Respondent No.1 and quash the same.

For Petitioner : Mr.S.Malaikani

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R3 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the impugned summon dated 21.03.2022 issued by the first respondent.

2.The learned counsel for the petitioner submitted that the respondent police served impugned summon dated 21.03.2022, demanding money received by the petitioner company in the auction of 36.200 gms of gold jewels. The learned counsel further submitted that previously the respondent police filed an application before the learned Judicial Magistrate Court, Rajapalayam, for invoking Section 91 Cr.P.C. The petitioner appeared before the respondent police and



gave available documents and other things. Again the respondent police summoned the petitioner to appear before them. Hence, the petitioner filed the present petition.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, investigation has been completed and the charge sheet has also been filed before the learned Judicial Magistrate, Rajapalayam and the same is yet to be numbered.

4.I have considered the matter in the light of the submissions made by the learned counsel for the parties.

5.Admittedly, the petitioner was summoned by the respondent police on 21.03.2022. Further it is not in dispute that the investigation has been completed and the charge sheet has also been filed before the Jurisdictional Judicial Magistrate. Under these circumstances, the respondent police have no power to invoke Section 91 of Cr.P.C summoning the witness for examination in connection with the case, after filing the charge sheet on completion of investigation.

6.In view of the above, the impugned summon dated 21.03.2022 issued by the first respondent is hereby quashed and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

- 1.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
- 2.The Sup Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.5991 of 2022
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_RD(22.06.2022) 2P 4C

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