



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022
CORAM

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P (MD) No.10722 of 2022
and
W.M.P. (MD) No.7748 of 2022

Abdul Rehman ... Petitioner
Vs.

- 1.The Commissioner of Police, Madurai.
- 2.The Inspector of Police,
South Gate Police Station, Madurai City.
- 3.The Joint Commissioner,
Sector-2, S.I.T.Squad,
Ahamadabad City, Gujarat.
- 4.The Sub Inspector of Police,
Sector-2, S.I.T.Squad,
Ahamadabad City, Gujarat.
- 5.Vinitkumar Pawankumar Agarwal,
Proprietor,
M/s.Shree Radheshyam Syn Fab Pvt. Ltd.,
Gujarat

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned notice issued and served by the Respondents 3 and 4 under Section 160 of Cr.P.C., compelling the personal attendance of the Petitioner before the third Respondent at Ahamadabad and to quash the same and consequently, to forbear the Respondents 1 to 4 from conducting any enquiry in the commercial dispute between the Petitioner and the fifth Respondent based on business transactions of textile goods.

For Petitioner :Mr.T.R.Jeyapalam

For R1 and R2 :Mr.B.Nambi Selvan
Additional Public Prosecutor

**ORDER**

This Writ Petition is filed seeking for a Writ of Mandamus to quash the impugned notice issued by the Respondents 3 and 4 under Section 160 of Cr.P.C., compelling the personal attendance of the Petitioner before the third Respondent at Ahamadabad and to forbear the Respondents 1 to 4 from conducting any enquiry in the commercial dispute between the Petitioner and the fifth Respondent.

2.Heard Mr.T.R.Jeyapalam, learned Counsel for the Petitioner and Mr.B.Nambi Selvan, learned Additional Public Prosecutor appearing for Respondents 1 and 2.

3.It is the contention of the learned Counsel for the Petitioner that the Petitioner used to purchase textiles from the mills of the fifth Respondent. Subsequently, there had been outstanding with the fifth Respondent. It is the claim of the Petitioner that orders placed by the Petitioner was not duly complied with by the fifth Respondent. There had been dispute with regard to the same. While so, the fifth Respondent, as though the Petitioner had committed an offence, had preferred a complaint with the third and fourth Respondents. The third and fourth Respondents had issued the impugned summon directing the Petitioner to appear before the fourth Respondent. It is the further submission of the learned Counsel for the Petitioner that the Respondents 1 and 2 had informed the Petitioner to appear before the Respondents 3 and 4.

4.The learned Counsel for the Petitioner relies on the following rulings:

(a)Prakash Transport vs the Inspector of Police, Central Crime Branch, Salem (2004 (1) CTC 130)

(b)Ex Rect(MP) A.Madurai veeran vs Union of India and others (2006 (1) CTC 732)

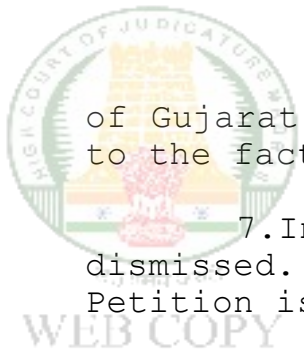
(c)V.N.Pachaimuthu vs.The Superintendant of Police, Villupuram District and others (2012 (3) CTC 291)

(d)Preetham vs Deputy Superintendant of Police, Land Grabbing Special Wing and another (2022 (1) MWN (Cr.) 241)

(e)M/s.Pusma Investment Pvt., Ltd., and others vs. State of Meghalaya and others (2010 CrI.L.J.56)

5.The learned Additional Public Prosecutor vehemently objected to the maintainability of the Writ Petition on the ground that this Court has no territorial jurisdiction to entertain this Writ Petition regarding quashment of the summons issued by the Respondents 3 and 4, who are the officials serving in the State of Gujarat.

6.The submission made by the learned Additional Public Prosecutor that this Court has no territorial jurisdiction is accepted, as the Respondents 3 and 4 are the officials of the State



of Gujarat. The rulings cited by the Petitioner cannot be connected to the facts of the present case.

7. In the light of the above, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/11/2022

Sub Assistant Registrar (CS)

cmr

To

1. The Commissioner of Police, Madurai.

2. The Inspector of Police,
South Gate Police Station, Madurai City.

3. The Joint Commissioner,
Sector-2, S.I.T. Squad,
Ahamadabad City, Gujarat.

4. The Sub Inspector of Police,
Sector-2, S.I.T. Squad,
Ahamadabad City, Gujarat.

+1 CC to M/s. T.R. JEYAPALAM, Advocate (SR-51071[F] dated 26/10/2022)

W. P (MD) No. 10722 of 2022
20.10.2022

AMS (03.11.2022) 3P 6C