



Crl.O.P(MD)No.10827 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P(MD)No.10827 of 2022

Deeptha

... Petitioner

Vs.

**1.The Inspector of Police,
District Crime Branch Police Station,
Dindigul,
Dindigul District.**

2.Praveenkumar

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent not to harass the petitioner under the guise of enquiry based on the complaint given by the second respondent herein.

For Petitioner	: Mr.S.Muthumalai Raja
For R1	: Mr.A.Albert James Government Advocate (Crl.side)
For R2	: Mr.K.Pandiarajan

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner under the guise of enquiry based on the complaint given by the second respondent herein.



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2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at Viruveedu, Nadakottai Post, Nilakottai Taluk, Dindigul District. Based on the complaint given by the second respondent, the first respondent has issued a summon to the petitioner dated 26.05.2022, 17.05.2022 and 05.05.2022 respectively and directed the petitioner to appear before the first respondent police for enquiry. According to the petitioner, it is violation of Section 160 Cr.P.C. a women shall not be required to attend the police station for enquiry. Hence, he prays for quashing the impugned summon issued by the first respondent.

3.The learned Government Advocate (Crl.side) appearing for the respondent police conceded that the respondent police is ready to consider the matter by following the procedure set out in Section 160 of Cr.P.C.

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

5.A perusal of impugned summon issued by the first respondent, it is seen that the first respondent issued summon to the petitioner namely Deeptha, W/o.Ramesh, to appear before the police station on 26.05.2022, 17.05.2022 and 05.05.2022 respectively. As per Section 160 of Cr.P.C., when a police officer



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requires attendance of witnesses, they could not call a male person under the age of fifteen years or above sixty-five years or a woman or a mentally or physically disabled person, if they are at any place other than the place in which such male person or woman resides.

6.In view of the above said mandatory of Section 160 of Cr.P.C., the respondent police is directed go to the place of the petitioner, if needed, in which the women resides for enquiry and should not be call the petitioner to police station for enquiry. It is clear violation of the procedure set out in Section 160 of Cr.P.C. Therefore, the impugned summon is liable to be quashed.

7.Accordingly, this Criminal Original Petition stands allowed and the impugned summon issued by the first respondent is hereby quashed. The first respondent is directed to follow the procedure as contemplated under Section 160 of Cr.P.C.

20.06.2022

Index : Yes / No
Internet : Yes/ No
vsd



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V.SIVAGNANAM, J.

vsd

To

- 1.The Inspector of Police,
District Crime Branch Police Station,
Dindigul,
Dindigul District.
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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