



Crl.O.P(MD)No.10970 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P(MD)No.10970 of 2022

and

Crl.M.P(MD)No.6935 of 2022

Pavithra

... Petitioner

Vs.

State Rep. by its:-

- 1.The Inspector of Police,
All Women Police Station,
Arppukottai,
Viruthunagar District.**

2.Dinsesh Kumar

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records relating to the impugned summon issued under Section 160 of Cr.P.C. Nil, dated on the file of the first respondent police and quash the same.

For Petitioner : Mr.K.Sathish Kumar

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

ORDER

**This Criminal Original Petition has been filed challenging the
summon issued by the first respondent police under Section 160 of Cr.P.C.**



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2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at No.35/22A, Kaaliyambalakara Street, VTC, Madurai South, Kochadai, Madurai. Based on the complaint given by the second respondent, the first respondent police has issued a summon dated 18.06.2022 and directed the petitioner to appear before the first respondent police for enquiry. He further submitted that the first respondent police have no jurisdiction to issue summon under Section 160 of Cr.P.C. without registering the FIR. It is in violation of mandatory requirement set out in Section 160 of Cr.P.C. Therefore, he prays for quashing the impugned summon issued by the first respondent.

3.The learned Government Advocate (CrI.side) appearing for the respondent police conceded that the respondent police is ready to consider the matter by following the procedure 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, Pavithra, D/o.Marimuthu, No.35/22A, Kaaliambalakara Street, VTC, Madurai South,



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Kochadai, Madurai, to appear before the respondent police for enquiry. As per

Section 160 of Cr.P.C., when a police officer 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. Consequently connected miscellaneous petition is closed.

21.06.2022

Index : Yes / No
Internet : Yes/ No
vsd



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V.SIVAGNANAM., J

vsd

To

- 1.The Inspector of Police,
All Women Police Station,
Arppukottai,
Viruthunagar District.
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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