



W.P(MD)No.16051 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.16051 of 2022

and

W.M.P.(MD).No.11602 of 2022

Sukumar

...Petitione

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Sub Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

3.Elango

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records regarding the impugned summon issued by the second respondent dated 09.07.2022 and quash the same as illegal.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.M.Sakthi Kumar
1 and 2 Government Advocate (crl.side)



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ORDER

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This writ petition has been filed to quash the impugned summon issued by the second respondent dated 09.07.2022.

2.Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner has already appeared before the second respondent and explained his stand. Again, the second respondent Police has issued impugned summon on 09.07.2022. Hence, the present petition has been filed.

4.The learned Government Advocate (criminal side) appearing for the respondents 1 and 2 would submit that the second respondent police has issued impugned summon based on the complaint forwarded by the learned Judicial Magistrate No.1, Nagercoil, in Cr.M.P.No.3121 of 2022 for conducting enquiry.



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5.As per Section 160 of Cr.P.C., the police officers powers to issue summon to require attendance of the witnesses, if having jurisdiction. In this case, the second respondent Police is having jurisdiction to issue summon to the witnesses to require attendance for the purpose of enquiry.

6.In view of the above, there is no infirmity or illegality in the impugned summon issued by the second respondent. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

22.07.2022

Index :Yes/No
Internet:Yes/No
vsg

To

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The Sub Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

vsg

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