



Crl.O.P.(MD) No.15701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 06.09.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD) No.15701 of 2022

and

Crl.M.P(MD)No.10360 of 2022

Jeyasaravanan @ Jeya Saravana Balaji

..Petitioner

Vs.

**1.State represented by
The Inspector of Police,
All Women Police Station,
Karur District.**

2.Kavitha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to quash the impugned notice under Section 160 & 91 Cr.P.C.
dated 24.07.2022 on the file of the first respondent police.

For Petitioner	: Mr.S.Sathees Kumar
For R1	: Mr.R.Sivakumar
	Government Advocate (Crl.Side)



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ORDER

This Petition is filed to quash the impugned notice under Sections 160 & 91 Cr.P.C. dated 24.07.2022 on the file of the first Respondent police.

2.The learned Counsel for the Petitioner submitted that the first Respondent had issued summons under Sections 160 and 91 Cr.P.C. against the Petitioner herein on the ground that the second Respondent had lodged a complaint. He would further submit that the Petitioner's sister lodged a complaint under Domestic Violence Act against her husband and her in-laws. Only as a counter blast, the second Respondent had lodged a complaint against the Petitioner herein.

3.It is the contention of the learned Counsel for the Petitioner that again and again the Hon'ble Supreme Court as well as this High Court had deprecated the practise of issuing summons without registering the FIR. He would further submit that the law laid down by the Hon'ble Supreme Court in the case *Lalitha Kumari vs. State of Uttar Pradesh* reported in



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2013 (6) CTC 353 had not been followed by the Police authorities repeatedly. Also the learned Counsel for the Petitioner furnished the order passed in the similar case by this Court in ***Crl.O.P(MD)No.15000 of 2021*** reported in ***2022 (1) MWN (Crl) 241***. Hence, the learned Counsel for the Petitioner pleaded to quash the impugned notice.

4.The learned Government Advocate (Crl.Side) appearing for the first Respondent vehemently objected to the submission of the learned Counsel for the Petitioner stating that the Petitioner had been repeatedly harassing the second respondent, who is employed as Teacher in a Government School by stalking her. Therefore, she lodged a complaint. Based on the complaint of the second Respondent, to find out the truth, the Investigating Officer had issued summons to the Petitioner to hold preliminary enquiry before registering a case.

5. Considering the submission of the rival parties, based on the order by this Court in ***Crl.O.P(MD)No.15000 of 2021*** reported in ***2022 (1) MWN (Crl) 241***, the first Respondent is directed to register the case



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and proceed with the case. For the present, the impugned summon is quashed. The first Respondent is within his/her power to register the case based on the complaint of the second Respondent and investigate the case ending in laying of final report before the Court concerned.

6. Accordingly, this Criminal Original Petition is allowed. The impugned notice under Sections 160 & 91 Cr.P.C. dated 24.07.2022 on the file of the first Respondent Police is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

06.09.2022

Index: Yes/No

vsd

To

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

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vsd

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