



WEB COPY

Crl.O.P.(MD)No.20723 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.20723 of 2021

and

Crl.M.P. (MD)No.11818 of 2021

1. Chinnathambi
2. Sankar @ Saravanan
3. Geetha @ Geethalakshmi ... Petitioners

Vs.

1. The Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli District.

2. Periyasamy ... Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records of the case in Summon Dated. 10.12.2021 U/s. 91,160,41(A) on the file of the R1 Police Station, Thottiyam, Tiruchy and quash the same as for as the petitioners concern.

For Petitioner : Mr.C.Iyyaparaj

For R1 : Mr.B.Thanga Aravindh,
Government Advocate,
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the summon dated 10.12.2021, under Section 91, 160, 41(A) Cr.P.C, on the file of the R1 Police Station, Thottiyam, Tiruchy and quash the same as for as the petitoners concern

2.It seems that the third respondent lodged a complaint and on receipt of the same, the first respondent issued summons, for enquiry. The only ground raised by the petitioners is that before registration of FIR, summon cannot be issued under Section 160, 91, 41(A) of Cr.P.C. It is also seen that the third petitioner also lodged complaint before the Land Grabbing Cell, Trichy against the second respondent and the second petitioner was called for enquiry and the enquiry is pending.



3.In view of the above, the impugned order cannot be sustained. Accordingly, this Criminal Original Petition is allowed and the summon dated 10.12.2021, under Section 91, 160, 41(A), issued by the R1 Police Station, Thottiyam, Tiruchy, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.20723 of 2021
and
CrI.M.P. (MD)No.11818 of 2021
11.03.2022

MGJ(25.03.2022) 2P 3C