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Crl.O.P No.16247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16247 of 2023

1.B.Kannan @ Karthikeyan
2.Padma
3.P.Ramesh

... Petitioners

vs.

The Inspector of Police,
CCB, Land Grabbing Wing-II,
Vepery, Chennai – 7.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the summons issued by the respondent police under Section 41A of Cr.P.C. Vide Ser.No.13 to 15/2023 in Crime No.95 of 2010 dated 01.07.2023 and 16 & 17/2023 dated 07.07.2023 and consequently quash the summon.

For Petitioners : Mr.Lieutenant Colonel Ganesan.S

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the summons issued under Section 41A of Cr.P.C.



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2. Heard the learned counsel for petitioners and the learned Additional

Public Prosecutor appearing on behalf of respondent.

3. The grievance of the petitioner is that an F.I.R. was registered in the year 2010 in Crime No.95 of 2010 and it was kept pending and the petitioners are being repeatedly harassed by the police by calling for an enquiry. Even recently, the petitioners were issued summons under Section 41A of Cr.P.C. and were again asked to come for the enquiry. The petitioners were represented by a Power of Agent and he had attended enquiry and had submitted all the copies of the documents to the respondent police. In spite of the same, the petitioners are being repeatedly called for an enquiry. Left with no other option, the present petition has been filed to quash the summons issued under Section 41A Cr.P.C. as well as the F.I.R. pending in Crime No.95 of 2010.

4. Learned Additional Public Prosecutor on instructions submitted that the respondent police wants to come to a final conclusion on the F.I.R. that is pending in Crime No.95 of 2010 and that is the reason why the petitioners were issued summons under Section 41A of Cr.P.C.



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5. In the considered view of this Court, the case has been pending for the last 13 years. According to the petitioners, they have already submitted all the documents through their Power of Agent to the respondent police. The petitioners have taken a further stand that the F.I.R. itself is an abuse of process of law and there are title suits pending before the concerned Civil Court between the parties. In view of the same, there shall be a direction to the first petitioner, viz., B.Kannan (A2) to attend the enquiry before the respondent police along with all the relevant documents. The other petitioners can be represented by their Power of Agent and he shall also be present with the necessary document before the respondent police. The respondent police shall record the statements and shall come to a final conclusion and shall file a final report or closure report, as the case may be before the jurisdictional Magistrate Court within a period of six weeks from today.

This Criminal Original Petition is disposed of in the above terms.

21.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rsi



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N. ANAND VENKATESH, J.

rsi

To

- 1.The Inspector of Police,
CCB, Land Grabbing Wing-II,
Vepery, Chennai – 7.
- 2.The Public Prosecutor,
High Court, Madras.

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