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CrI.O.P.No.18569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18569 of 2023

Mohanraj

...Petitioners

VS.

- 1.The Commissioner of Police,
Salem City, Salem.
- 2.The Inspector of Police,
Annathanapatty Police Station,
Salem City.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the summon dated 06.08.2023 as against the petitioner vide CSR.No.628 of 2023 issued by the 2nd respondent.



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For Petitioner : Mr.M.Subash

For Respondent : Mr.A.Gopinath,
Government Advocate

ORDER

This criminal original petition has been filed challenging the summons issued by the second respondent under Section 160 and 91 of CrPC.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. There is no dispute with regard to the fact that the complaint is now under enquiry in CSR.No.628 of 2023. Therefore, it is clear that not even an FIR has been registered under Section 154 of CrPC. When that is the case, there is no question of issuing summons under Section 160 and 91 of CrPC. The law on this issue is now very well settled.

4. In view of the same, the impugned summon issued by the second respondent is hereby quashed. If the petitioner is called for an enquiry in pending CSR, the petitioner has to be called by issuing notice and not summons



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under Section 160 and 91 of CrPC. Accordingly, this criminal original petition

is allowed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
nsa

To

1.The Judicial magistrate I,
Cuddalore.

2.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District 607 102

3. The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

nsa

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