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Crl.O.P.No.23512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

Crl.O.P.No.23512 of 2023

Mahalakshmi

.. Petitioner

VS

1.The State

Rep. By the Sub-Inspector of Police,
Pallikaranai Police Station,
Tambaram Commissionerate of Police,
Chennai – 600 100
(CSR No.2619/2023)

2.F.Carline Finula

.. Respondents

Petition filed under Section 482 of CrPC to call for the records relating to the case in CSR No.2619/2023 pending on the file of Sub-Inspector of Police, Pallikaranai Police Station, Tambaram Commissionerate of Police, Chennai – 600 100, the first respondent/ complainant herein and quash summons dated 25.09.2023 thereon issued to the petitioner/counter petitioner.

For Petitioner : Mr.C.Saravanan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R1

ORDER

The petitioner herein, who was issued summons by the police pursuant to an enquiry regarding the complaint given by the second



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respondent and registered as CSR No.2619 of 2023, is before this Court to quash the said summons issued under Sections 91 and 160 CrPC on the ground that she is not aware of the conditions of the CSR complaint given by R2 and what for she is called for. However, the learned counsel for the petitioner submits that R2 is a tenant under her and she has filed a suit for permanent injunction not to disturb the peaceful possession without due process of law.

2. Learned Government Advocate (Criminal Side) submits that complaint being received from R2 alleging that there is an attempt to forcefully evict her by the landlord and the power supply was disconnected by the petitioner. In this connection, summons was issued for enquiry, for which, the petitioner did not participate.

3. On hearing both sides, this Court finds that the petitioner herein on receiving the summons for appearance has not participated in the enquiry however sent letter to the Investigating Officer.

4. Learned counsel for the petitioner states that the petitioner went in-person to give the letter and the same was received by the Investigating Officer.



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5. This is a case where the allegation made against the petitioner is that she has made an attempt to forcefully evict the tenant without adopting due process of law. The police is expected to make necessary enquiry in this matter. The petitioner cannot stay away from participating in the enquiry. Therefore, this Court directs that the first respondent / police shall cause summons to the petitioner herein for appearance for participating in the enquiry and on such summons being received, the petitioner shall co-operate with the enquiry.

7. With the above direction, this Criminal Original Petition stands dismissed.

09.11.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

1.The Sub-Inspector of Police,
Pallikaranai Police Station,
Tambaram Commissionerate of Police,
Chennai – 600 100.

2.The Public Prosecutor,
High Court, Madras.



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DR G. JAYACHANDRAN.,J

ssm

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