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Crl.O.P.(MD)No.8335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.06.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.8335 of 2023

and

Crl.M.P.(MD)No.7255 of 2023

Kumaravel

... Petitioner /proposed accused

Vs.

1. The State rep. by

The Inspector of Police,

Tallakulam Crime Branch,

Madurai City.

... 1st respondent / Complainant

2. M.Gurusamy

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the summon bearing No.Nil, dated 26.04.2023, issued by the first respondent and to quash the same as illegal against the petitioner.

For Petitioner : Mr.A.Vadivel

For Respondents : Mr.R.Suresh Kumar
Government Advocate (crl.side) for R1



ORDER

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This petition is filed to quash the summons issued by the first respondent, dated 26.04.2023.

2. On the side of the petitioner, it is stated that there is some correction in the date of the signature of the Sub Inspector of Police in the summons issued to the petitioner and no provision of law was mentioned and no copy of the complaint was attached with the summons and already a case in S.T.C was registered against the petitioner in the same set of facts and prayed the summons to be quashed.

3. On the side of the prosecution, it is stated that the petitioner did not attend the enquiry and he failed to co-operate for enquiry and when the petitioner claimed that no copy of the complaint was attached with the summons, the petitioner cannot claim that on the same set of facts, a case in S.T.C was already registered.

4. It is the duty of the petitioner to co-operate with the police for enquiry. But, on verification of the summons, it reveals that the date of enquiry was 29.04.2023 and the date was already over and the summons became infructuous.



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5. In view of the above, this Petition is dismissed as infructuous.

The prosecution is at liberty to issue fresh summons for enquiry.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

01.06.2023

To

1. The Inspector of Police,
Tallakulam Crime Branch,
Madurai City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

Ls

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