



Crl.O.P.(MD)Nos.11963, 11965, 11966 and 11968 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2023

CORAM

THE HON'BLE Dr.JUSTICE D.NAGARJUN

Crl.O.P.(MD)Nos.11963, 11965, 11966 and 11968 of 2023
and
Crl.M.P(MD).Nos.9438, 9441, 9443 and 9444 of 2023

Sathaiah	... Petitioner in Crl.O.P(MD).No.11963 of 2023
Balachandran	... Petitioner in Crl.O.P(MD).No.11965 of 2023
Thyagarajan	... Petitioner in Crl.O.P(MD).No.11966 of 2023
Muthumari	... Petitioner in Crl.O.P(MD).No.11968 of 2023

Vs.

The Sub-Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

... Respondent in all Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, to call for the records pertaining the summons issued by the respondent dated 14.06.2023 and quash the same as illegal.



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For Petitioners : Mr.R.Venkatesan
(In all Crl.O.Ps)

For Respondent : Mr.B.Thanga Aravindh
(In all Crl.O.Ps) Government Advocate(Crl.Side)

COMMON ORDER

These petitions are filed challenging the summons issued by the respondent Police dated 14.06.2023 directing the petitioners to appear before them on 16.06.2023 at 10.00 a.m.

2. It is submitted by the learned counsel appearing for the petitioners that the respondent Police have served notices to the petitioners under Sections 160 and 91 of Cr.P.C, without mentioning any details as to in which case their presence is required. It is also stated that the petitioners are apprehending that by calling the petitioners to the Police Station, they will be forced to execute the registered sale deed in favour of one Subramanian.

3. The learned Government Advocate appearing for the respondent, on the other hand, submits that a complaint has been



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received from one Subramanian alleging that the petitioners have taken a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs Only) from him by making false promise of executing a registered sale deed, and in that connection, the Police intend to examine the petitioner and thereby issued notice.

4. The learned counsel appearing for the petitioners submits that apart from the respondent Police, the District Crime Branch, Ramanathapuram District, has also similarly issued summons on the basing of representation of one Subramanian directing the petitioners to appear in the year 2022. Aggrieved by the said summons, a petition has been filed in Crl.O.P(MD).No.20343 of 2022 and the same is also pending.

5. The learned Additional Public Prosecutor appearing for the respondent assures that the petitioners were summoned only to examine them in respect of complaint given by the said Subramaniam and they will not get any document extracted from the petitioners.



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6. Considering the same, these Criminal Original Petitions are disposed of by directing the petitioners to appear before the respondent Police along with their counsel on the specified date and time, on receipt of fresh notice. Insofar as the petitioner in Crl.O.P(MD).No.11966 of 2023 is concerned, since he is a senior citizen and stated to be aged about 65 years, the respondent Police is directed not to summon him to the Police Station and instead of that, the respondent Police is required to go over to the residence of the petitioner and record his statement. Consequently, connected miscellaneous petitions are closed.

03.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

- 1.The Sub-Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR. D.NAGARJUN, J.

ssb

Order made in

Crl.O.P.(MD)Nos.11963, 11965, 11966 and 11968 of 2023
and
Crl.M.P(MD).Nos.9438, 9441, 9443 and 9444 of 2023

Dated: **03.07.2023**