



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12076 of 2023

A.Suresh

... Petitioner/Respondent

Vs.

1.State rep. by
The Inspector of Police,
Central Crime Branch-II,
Madurai City,
Mounted police (Kuthiraipadai),
Residential Campus,
Opp-Bharathi Store,
Viswanathapuram,
Madurai – 14.

... 1st Respondent/Complainant

2. R.Jeeva

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned summon in C.No.22/Inspr-II/DC-North/MC/2023 dated 23.06.2023 issued by the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.R.Krishnamurthy

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



ORDER

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This Criminal Original Petition is filed questioning the summon issued by the 1st respondent police dated 23.06.2023 in proceeding No. C.No.22/Inspr-II/DC-North/MC/ 2023.

2. The learned counsel for the petitioner submits that even though the 1st respondent police has not registered a First Information Report and no complaint is pending against the petitioner, the 1st respondent police went on issuing summons under Sections 91 and 160 Cr.P.C to the petitioner.

3. The learned Additional Public Prosecutor on the other hand submits that on the basis of the complaint given by one Jeeva against the petitioner, the 1st respondent police has issued summons and in response to that, the petitioner has appeared before the 1st respondent police on 10.07.2023 and the petitioner has also given undertaking that he would appear on 16.07.2023 along with certain documents. The learned Additional Public Prosecutor would further submit that once the petitioner submits the documents, the 1st respondent police would complete the enquiry within a period of two weeks from today.



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4. The said statement is recorded.

5. Recording such statement made by the learned Additional Public Prosecutor, the 1st respondent police is directed not to take any coercive steps including arrest of the petitioner during the enquiry in the petition in C.No.22/Inspr.II/DC-North/MC/2023 and complete the enquiry within a period of two weeks from today.

6. With the above direction, this Criminal Original Petition is disposed of.

Index : Yes/No

Internet : Yes/No

CM

11.07.2023

Note: Issue order copy on 14.07.2023.

To,
1. The Inspector of Police,
Central Crime Branch-II,
Madurai City,
Mounted police (Kuthiraipadai),
Residential Campus,
Opp-Bharathi Store,
Viswanathapuram,
Madurai – 14.

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



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DR.D.NAGARJUN. J.

CM

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