



CrI.O.P.(MD) No.13597 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13597 of 2023

Babu

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
District Crime Branch,
Thoothukudi.

3.The Inspector of Police,
V.Puthur Police Station,
Vilathikulam Taluk,
Thoothukudi District.

4.Vijay Krishnan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the summons issued by the 2nd respondent dated 28.06.2023 and quash the same.



Crl.O.P.(MD) No.13597 of 2023

WEB COPY

For Petitioner : Mr.T.A.Ebenezer

For R1 to R3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent No.2 police to quash the summons issued by him dated 28.06.2023.

2.It is submitted by the learned counsel for the petitioner that the petitioner and other persons were given employment by the respondent No.4 by collecting huge amounts and subsequent to the joining in the service, the respondent No.4 has failed to pay the salary, thereby the petitioner has sent a complaint to the respondent No.1, who, in turn, has forwarded the same to the respondent No.3, before whom respondent No.4 has given an undertaking to return the money to the petitioner. However, the respondent No.4 has filed a representation to the respondent No.2, who, in turn, issued the impugned summons directing the petitioner to appear before him on 06.07.2023. Aggrieved by the same, the present petition is filed.



Crl.O.P.(MD) No.13597 of 2023

WEB COPY 3. The learned Additional Public Prosecutor submits that the respondent No. 4 has made a complaint against the petitioner before the respondent No.1 stating that the petitioner has misappropriated the society money to the tune of Rs.27,00,000/- and the complaint has been forwarded to the respondent No.2 by the respondent No.1.

4. The representation given by the petitioner to the respondent No.3 is altogether different than the representation given by the respondent No.4 to the respondent No.2, basing on which summons have been issued to the petitioner. Since the respondent No.2 has issued summons to enquire the representation of the respondent No.4 that the petitioner has misappropriated Rs.27,00,000/-, the summons issued by the respondent No.2 cannot be quashed. Therefore, the petitioner is directed to appear before the respondent No.2 police and on appearance of the petitioner, the respondent No.2 is directed to consider the representation of the respondent No.4 and dispose of the same of them at once within a period of two weeks from the date of receipt of a copy of this order.



Crl.O.P.(MD) No.13597 of 2023

WEB COPY

5.This Petition is disposed of, accordingly.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

31.07.2023

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To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
District Crime Branch,
Thoothukudi.
- 3.The Inspector of Police,
V.Puthur Police Station,
Vilathikulam Taluk,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.13597 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.13597 of 2023

31.07.2023