



W.P.(MD)No.1242 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD)No.1242 of 2014

and

M.P(MD)No.1 of 2014

L.Alagusundaram

.. Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Deputy Superintendent of Police,
District Crime Branch,
Madurai.

3.The Inspector of Police,
District Crime Branch,
Madurai.

4.S.Subramanian

5.S.Soundara Pandian

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records



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relating to the impugned notice dated 14.01.2014 issued by the second respondent requiring the petitioner and his father to appear before him and to quash the same and consequentially forbearing the respondents 1 to 3 from interfering in the labour dispute between Mahalakshmi Textile Mills and the workmen including the respondents 4 and 5 and compelling them to execute documents in favour of the respondents 4 and 5.

For Petitioner : Mr.A.Abdul Hameed
for Mr.T.R.Jeyapalam

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1 to R3

ORDER

The petitioner seeks quash of the notice dated 14.01.2014 issued by the second respondent under Section 160 Cr.P.C.

2. The learned counsel for the petitioner submitted that the second respondent is interfered in a labour dispute. There is no FIR pending against



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the petitioner or any other person. Hence, exercise power under Section 160

Cr.P.C. to summon a person is illegal.

3. The learned Additional Public Prosecutor submitted that subsequently, an FIR was registered in the year 2014 in Crime No.54/2014 and pursuant to the investigation in the said crime number, charge sheet was filed and the same was taken on file in C.C.No.1759/2022 on the file of the learned Judicial Magistrate No.I, Madurai.

4. This Court finds that the impugned notice has been issued even before the registration of the FIR. It is settled law that a police officer may require the attendance of any person during the course of investigation. However, admittedly, there was no FIR pending during the issuance of the impugned notice and hence no investigation was pending under Chapter XII of Cr.P.C. Further, subsequently, an FIR was registered and final report also has been filed as stated earlier. For all the above said reasons, the impugned notice dated 14.01.2014 deserves to be quashed.



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5. In the result, the impugned notice dated 14.01.2014 is quashed and

this writ petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

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

PJL

To

1.The Director General of Police,
Department of Police,
Chennai, Tamilnadu.

2.The Additional Director General of Police,
Department of Police,
Chennai, Tamilnadu.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

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

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SUNDER MOHAN,J.

PJL

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12.01.2023