



CrI.OP.No.10919 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 01.07.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

CrI.OP.No.10919 of 2024

and

CrI.MP.No.7453 of 2024

1. Rizwan Ahamed
2. Ayesha Barkath Banu
3. Munavar Hussain

... Petitioners

Vs.

1. State rep.by  
Inspector of Police,  
District Crime Branch,  
Chengalpattu.

2. Supraja

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, call for the records relating to the police summons was issued by the 1<sup>st</sup> respondent police dated 02.01.2024 to the petitioners and quash the same.

For Petitioner : Mr.R.Amizhdhu

For Respondents : Mr.S.Udaya Kumar  
for R1

: Mr.Thevaraj for R2



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**ORDER**

The petitioners herein were summoned by the Inspector of Police, District Crime Branch, Chengalpattu, based on the complaint given by the second respondent to DIG, Kanchipuram Range in connection with the allegation of cheating to the tune of Rs.1,37,00,000/-. Stating that the said complaint of the second respondent was duly investigated by the first respondent earlier and the same was closed as 'mistake of fact' . RCS report was filed before the concerned Magistrate Court on 03.07.2023.

2. Despite that instead of preferring the protest petition if aggrieved, the second respondent has moved the DIG, Chengalpet Range to revive his complaint the same set of facts. Inspite of explaining the same to the first respondent police, they were summoned to appear for enquiry on 02.01.2024.

3. The learned Government Advocate (Crl.Side) took notice and counsel for the second respondent appeared on receipt of the private notice.



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4. It is reported that the earlier complaint given by the second respondent was closed as 'mistake of fact' on 21.07.2023. Suspecting that the first respondent is not conducting the investigation properly. The same complaint was lodged with DIG, Chengalpet Range by the second respondent. The said complaint was sent to the first respondent who thought fit that the complaint has to be re-opened.

5. It is now stated by the counsel appearing for the second respondent that against the closure report, the second respondent has preferred a protest petition before the learned Judicial Magistrate, Chengalpet and the same is pending. Since for the very same set of fact there cannot be repeated investigation at the instance of DIG. Therefore, the summons issued in pursuant to the registration of current paper 414 of 2023 is hereby quashed. The second respondent is at liberty to pursue his remedy through the protest petition which he has already filed.

6. With this observation, this Criminal Original Petition is allowed.

**01.07.2024**

Vv



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To  
WEB COPY

1. The Inspector of Police,  
District Crime Branch,  
Chengalpattu.
2. The Public Prosecutor,  
High Court of Madras, Chennai.



WEB COPY



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**Dr.G.JAYACHANDRAN,J.**

Vv

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