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CrI.O.P.No.6376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

CrI.O.P.No.6376 of 2024

1.N.V.Srinivasan

2N.S.Geetha

... Petitioners

Vs.

1.The Inspector of Police,
Central Crime Branch, EFF Team – IV,
Office of the Commissioner of Police,
Avadi.
(Ref: C.No.116/DC-CCB/COP-V/AVD/2024)

2.K.K.Sunilkumar,
S/o.K.Palaniyappan

3.K.K.Suni Kumar,
S/o.Kunjunny
[R3 impleaded vide order dated 01.04.2024 made in
CrI.M.P.No.5728 of 2024 in CrI.O.P.No.6376 of 2024]
... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records pertaining to complaint vide Ref.No.C.No.116/DC-CCB/COP-V/AVD/2024 and set aside/quash all further proceedings in pursuance of the same.



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For Petitioner : Mr.J.Suresh
For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
For R3 : Mr.K.P.Chandrasekaran

ORDER

This Criminal Original Petition has been filed to quash the complaint vide Ref.No.C.No.116/DC-CCB/COP-V/AVD/2024.

2. It is alleged that one K.K.Sunil Kumar, Proprietor, S.T.Jewellery, Manufacturing, Trissur, made a complaint before the Commissioner of Police, Avadi in C.No.116/DC-CCB/COP-V/AVD2024 against the petitioners, pursuant to which, the 1st respondent has issued a summon dated 04.03.2024. Challenging the same, the present criminal original petition is filed.

3. The learned counsel for the petitioners submitted that, the above complaint was filed with an ulterior motive to extort the properties from the petitioners and the same should not entertained and thereby, the summon issued by the 1st respondent pursuant to the said complaint, has



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to be set aside.

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4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that, based on the complaint, if cognizable offence is made out, the 1st respondent will take appropriate action, if not, appropriate orders will be passed, within a specified time.

5. The learned counsel appearing for the 3rd respondent submitted that, this Court may permit the petitioners as well as the 3rd respondent to participate in the enquiry before the 1st respondent.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the 1st respondent and the learned counsel appearing for the 3rd respondent and also perused the materials available on record.

7. Based on the complaint given by the *de-facto* complainant, the



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1st respondent issued summon to the petitioners. It is seen that the petitioners have come before this Court at the very inception questioning the summon issued by the 1st respondent. The Courts should be very circumspect while entertaining such petitions at the very threshold as otherwise it would be nothing but precluding the 1st respondent from discharging the duty in accordance with law.

8. In view of the above, this Court is not inclined to interfere with the summon issued by the 1st respondent. Accordingly, this Criminal Original Petition is disposed of and the 1st respondent is directed to conclude the enquiry, within a period of four weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioners as well as the *de-facto* complainant to adjudicate their case.

01.04.2024
(2/2)

Index : Yes/No
Speaking/Non-speaking order
NCC : Yes/No
sp



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WEB COPY To

- 1.The Inspector of Police,
Central Crime Branch, EFF Team – IV,
Office of the Commissioner of Police,
Avadi.
- 2.The Public Prosecutor,
High Court of Madras.



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M. DHANDAPANI.J.,

sp

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Crl.M.P.No.5728 of 2024

in

Crl.O.P.No.6376 of 2024

M.DHANDAPANI, J.

The present Criminal Miscellaneous Petition is filed seeking to implead the petitioner herein as respondent No.3, in the above Crl.O.P.No.6376 of 2024 on the file of this Court, is ordered as prayed for.

01.04.2024

sp

(1/2)

Note: Registry is directed to carry out the necessary amendment in the cause title.