



WEB COPY



W . P.No.15158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15158 of 2024

and

WMP.Nos.16482 & 16483 of 2024

Dr.P.Vadivel

... Petitioner

Vs.

- 1.The Director General of Police
DGP Office Complex,
Dr.Radhakrishnan Salai
Mylapore,
Chennai – 600 004.
- 2.The Additional Director General of Police
Law and Order
DGP Office Complex,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 3.The Superintendent of Police
Office of the Superintendent
Salem District.
4. The Additional Superintendent of Police
Cyber Crime Wing,
Salem District.
5. Gomathi

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice/summon issued by the 4th respondent dated 22.05.2024 and 27.05.2024 respectively under Section 41-A of Cr.P.C and quash the same as illegal and consequently direct the 4th respondent police to drop all further action with regard to the petitioner.

For Petitioners : Mr.A.Rajakumar

For Respondents : Mr.S.Udaya Kumar for R1 to R4
Government Advocate (Crl.Side)

ORDER

The petitioner herein, being aggrieved by the issuance of summon under Section 41(A) by the respondent police, is before this court stating that he has nothing to do with the complaint given by one Gomathi in respect of lease agreement of a Oil Plant by name Harini Oil Plant. Therefore, the same to be quashed since he has been unnecessarily harassed in the money dispute.

2. Learned Government Advocate (Criminal Side) submits that on a complaint given to the Chief Minister Cell by one Gomathi, the Principal Secretary of the Home Department has forwarded the complaint



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to the Superintendent of Police, Salem and in turn, same been forwarded to the Additional Superintendent of Police, Cyber Crime Wing, Salem, for enquiry. To know the facts, the Additional Superintendent of Police thought it fit to conduct enquiry. Therefore, had caused summons under Sections 41(A) to the petitioner herein on 22.05.2024 for his appearance within 3 days with the available documents. The petitioner has not appeared so far.

3. It is stated by the Learned Government Advocate (Criminal Side) that if the petitioner appear and produce document which is in his possession in connection with the complaint given statement, they will complete the investigation in accordance with law. Due to his non-appearance, they are not able to proceed further in the enquiry.

4. Recording the submission made by the learned Government Advocate (Criminal Side), this Writ Petition is disposed of with a direction to the petitioner to appear before the Additional Superintendent of Police, Cyber Crime Wing, Salem, on or before 25.06.2024 and on his appearance, enquiry in accordance with law may be done and proceed with the complaint given by Gomathi. There shall not be any violation of



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fundamental rights or procedure contemplated under law in the course of investigation. Consequently, connected miscellaneous petitions are closed.

13.06.2024

Index : Yes/No
Speaking/Non speaking
gv

To

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- 2.The Additional Director General of Police
Law and Order
DGP Office Complex,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 3.The Superintendent of Police
Office of the Superintendent
Salem District.
4. The Additional Superintendent of Police
Cyber Crime Wing,
Salem District.
5. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Gv

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