



Crl.O.P.No.13606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.13606 of 2024

and

Crl.M.P.No.8228 of 2024

B.Suba Elavarasan

.. Petitioner

/versus/

The Inspector of Police,
Jayakondam Police Station,
Ariyalur District.

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records and quash the summon dated 11.05.2024 issued under Section 41A of Cr.P.C., on the file of the Inspector of Police, Jayakondam.

For Petitioner :Mr.R.Sankarasubbu

For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)



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ORDER

The Inspector of Police has issued summons under Section 41A of Cr.P.C., calling the petitioner as a member of the A Party and three other persons as the members of the B Party to participate in the enquiry.

2.The learned counsel appearing for the petitioner submitted that the summons issued under Section 41-A of Cr.P.C to participate in the enquiry alleging that the two rival group planned to attack each other does not fall within the ambit of Section 41-A of Cr.P.C or under Section 107 of Cr.P.C. The patent error in the summons warrants interference and the same may be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent, after notice, submitted that the case has been registered against the petitioner herein in Koovagam Police Station and Udaiyarpalayam Police Station and subsequently, due to rivalry there is a specific information received by the police that they are planning to attack



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each other. Hence, the summons was issued under Section 41A of Cr.P.C to the parties to participate in the enquiry.

4. The reason stated in the summons and arraying this petitioner alone as member of A Party and three others as the members of B Party, on the face of it, appears to be an improper and the purpose to which the summons issued, is not truly reflected in the impugned summons. Hence, the summons stands quashed with liberty to the respondent police to proceed in accordance with law.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

02.07.2024

Index:yes/no
Neutral Citation:yes/no
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To:
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- 1.The Inspector of Police, Jayakondam Police Station, Ariyalur District.
- 2.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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