



CrI.O.P.No.24121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.24121 of 2024

Mamreen

... Petitioner

Vs.

1. The Inspector of Police
Crime Branch
J8 Neelangarai Police Station
Neelangarai, Chennai - 600 115

2. Ritesh Rai

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records pertaining to the 41A Notice issued by the 1st respondent dated 02.09.2024 pending investigation on the file of the Inspector of Police, Neelangarai Police Station and quash the same.

For Petitioner	: Mr.M.Velmurugan
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Mr.K.P.Ananthakrishna



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ORDER

This Criminal Original Petition has been filed by the petitioner to quash the notice issued under Section 41A Cr.P.C. by the 1st respondent police dated 02.09.2024 pending investigation on the file of the 1st respondent police.

2. The learned counsel for the petitioner submitted that a case in Crime No.463 of 2023 has been registered against the petitioner's husband for allegedly selling of stolen car to the defacto complainant/2nd respondent. Now the petitioner has received a notice under Section 41A Cr.P.C. from the 1st respondent police calling her to appear for enquiry. He further submitted that the petitioner is no way connected with the said sales. Hence, the present petition has been filed seeking to quash the notice issued under Section 41A Cr.P.C.

3. The learned Additional Public Prosecutor appearing for the 1st respondent police submitted that the husband of the petitioner is the accused in



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in Crime No.463 of 2023 and that there is a money transaction taken place through the account of a partnership firm namely Minar Steel Corporation in which, the petitioner is also one of the partners. Therefore, she has to be necessarily interrogated. Hence, the notice under Section 41A Cr.P.C. was issued to the petitioner to attend the enquiry.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the case in Crime No.463 of 2023 has been registered against the husband of the petitioner. According to the prosecution, the petitioner is also one of the partners of the firm through which certain money transaction has taken place and therefore, she has to be necessarily interrogated. Such being the case, the Court cannot interfere with the powers of the police/Investigating Officer for summoning any witness during investigation in order to complete the investigation in a fair manner. Hence, this Court is not inclined to quash the notice issued on the petitioner under Section 41 A Cr.P.C.



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6. Accordingly, this Criminal Original Petition is dismissed.

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7. The petitioner is directed to comply with the notice issued on her by the 1st respondent police under Section 41A Cr.P.C.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To.

1. The Inspector of Police
Crime Branch
J8 Neelangarai Police Station
Neelangarai, Chennai - 600 115

2. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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