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Criminal Original Petition No.1665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1665 of 2024

1.B.Revathi

W/o.S.Janakiraman

2.M.Uma

W/o.Matheswaran

... Petitioners

Vs.

A.S.Santhanam

S/o.(late) A.S.Aravamuthan

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records/report in C.C.No.2154 of 2014 on the file of learned XVIII Metropolitan Magistrate, Saidapet, Chennai and also direct the learned XVIII Metropolitan Magistrate, Saidapet, to recall the summons issued against the petitioners.

For Petitioners : Mr.A.Nagarajan

ORDER

This petition has been filed challenging the summons issued by the XVIII Metropolitan Magistrate, Saidapet, in C.C.No.2154 of 2014.



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2. This Court considered the submissions made by learned counsel for petitioners and also the materials available on record.

3. In the instant case, the respondent had some dispute with his brother and others regarding his share in the properties. He filed a private complaint before the learned XVIII Metropolitan Magistrate, Saidapet, against his brother and he also added the petitioners as accused in that complaint. An order was passed in M.P.No.13240 of 2011 dated 20.04.2011 wherein the trial Court did not find any ground to entertain the complaint and hence, the complaint was dismissed.

4. Aggrieved by the above order, the respondent filed CrI.R.C.No.96 of 2011 before VII Additional Sessions Judge, Chennai. The VII Additional Sessions Judge, Chennai, by an order dated 25.11.2013, partly allowed the revision and directed the learned Magistrate to take cognizance against A1 and to proceed further u/s.204 Cr.P.C. Insofar as the petitioners (A2 and A3) are concerned, the order passed by the learned Magistrate was confirmed. Therefore, it is clear that the order passed by the learned VII Additional Sessions Judge,



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Chennai, confined itself only to A1 and a direction was given to the learned Magistrate to take cognizance of the offence committed by A1 and proceed further.

5. Pursuant to the above order, to the shock and surprise of the petitioners, they were issued summons as if they continue to be accused persons in the complaint. Aggrieved by the same, the present petition has been filed before this Court.

6. It is an unfortunate case where a fight between two private individuals has unnecessarily roped in the petitioners, who are bank officials, as accused in the case. The relief given to the petitioners by the learned Magistrate was confirmed by the learned VII Additional Sessions Judge, Chennai, also. In spite of the same, the petitioners continue to be treated as accused and summons have been issued to them to appear in the case in their capacity as A2 and A3. The summons that was issued to the petitioners is clearly an abuse of process of law. The same requires the interference of this Court and accordingly, the same is hereby set aside. There shall be a direction to the learned XVIII Metropolitan



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N.ANAND VENKATESH, J.

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Magistrate, Saidapet, to proceed further with the case in C.C.No.2154 of 2014 only as against A1 and delete the names of the petitioners (A2 and A3) from the case records by noting the order passed by the learned VII Additional Sessions Judge, Chennai, dated 25.11.2013.

This Criminal Original Petition is disposed of with the above direction.

05.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The VII Additional Sessions Judge,
Chennai.

2.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

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