



CrI.O.P.(MD) No.1703 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1703 of 2024

and

CrI.M.P.(MD) No.1231 of 2024

Palani

...Petitioner

vs

**1.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.**

2.Ramesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for records relating to the impugned summon issued under Sections 160 and 91 Cr.P.C., dated 28.01.2024 on the file of the 1st Respondent Police quash the same.

**For Petitioner : Mr.C.Susi Kumar for
M/S.Subash Law Office**

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (CrI.side)**



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had filed this Criminal Original Petition seeking to quash the summons issued against the Petitioner by the first Respondent.

2.It is the contention of the learned Counsel for the Petitioner that the Petitioner was engaged by the second Respondent to put up construction. The Petitioner is a professional civil contractor. After proceeding with the work, instead of paying Rs.37,00,000/-, the Petitioner was paid only Rs. 27,00,000/- and the second Respondent forced him to proceed with the construction without waiting for further payment. Since the Petitioner faced difficulties in proceeding with the construction, as he had to pay his labourers on the procure materials, he demanded balance amount also. Instead of payment of the balance amount, the second Respondent converted the civil dispute into a criminal case and approached the first Respondent. The first Respondent knowing well that it is a civil dispute summoned the Petitioner by issuing summons under Sections 160 and 91 of Cr.P.C., Aggrieved by the conduct of the Respondents 1 and 2, the Petitioner is before this Court seeking to quash the summons.



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3.It is the submission of the learned Government Advocate (Crl.side) that the Police had received the complaint and current paper is with them. They will hold enquiry to know the nature of the case.

4.Considering the nature of the case, before ever appearing before the first Respondent, the Petitioner had approached this Court. Therefore, the submission of the learned Government Advocate (Crl.side) that the petition has to be dismissed cannot at all be accepted, considering the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and the case of ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273***.

5.Accordingly, this Criminal Original Petition is allowed. The summon issued to the Petitioner by the first Respondent dated 28.01.2024 is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Internet:Yes./No
Index:Yes/No
mm

27.02.2024

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To

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- 1.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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