



W.P.(MD)No.3296 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3296 of 2022
and W.M.P(MD).No.2895 of 2022

Chithra

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur.

2.The Deputy Superintendent of Police,
District Crime Branch,
District Police Office,
Thanjavur.

3.The Inspector of Police,
District Crime Branch,
Thanjavur.

4.Shanmugasundaram

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the summons dated 03.02.2022 and on subsequent dates to quash the same and directing the second



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respondent not to harass the petitioner in the guise of conducting enquiry without resorting to due process of law.

For Petitioner	:Mr.M.Karunanithi
For Respondents	: Mr.B.Nambiselvan Additional Public Prosecutor for R1 to R3 Mr.G.Thiruvavutselvam for R4

ORDER

This Writ Petition has been filed challenging the summon dated 03.02.2022 issued by the second respondent, directing the petitioner and her husband to appear on 16.02.2022 and for a consequential direction to the second respondent not to harass the petitioner in the guise of conducting enquiry.

2. The case of the petitioner is that one Sekar is the tenant of the petitioner and the petitioner gave her bank account number to the said Sekar to deposit house rent. However, he deposited huge amount in the account of the petitioner during the year 2019 and informed the petitioner



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that for safety, the amount was deposited in her account and he requested the petitioner to withdraw the amount and hand over the same to the three persons, namely, Malathi, Shanmugasundaram, Nanthini. The petitioner has also withdrawn the amount and handed over the same to the said three persons. While so, the second respondent has issued the impugned summon to the petitioner and her husband on the ground that one Shanmugasundaram has lodged a complaint against the petitioner and her husband that the petitioner and her husband have cheated him by obtaining amount that they will provide job to him. Challenging the same, this Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that without registering FIR, the second respondent cannot issue the impugned summon under Section 160 Cr.P.C and the petitioner has already obtained anticipatory bail from the trial Court.

4. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 Police submits that though the petitioner has filed this



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Writ Petition challenging the impugned summon, pursuant to the complaint given by the victim, FIR in Crime No.17 of 2023 has been registered for the offence punishable under Sections 406 and 420 IPC against the petitioner.

5. In view of the submission made by the learned Additional Public Prosecutor appearing for the respondents Police, no further orders are required to be passed in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out her remedy in the manner known to law. There shall be no order as to costs. Connected miscellaneous petitions are closed.

24.01.2024

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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To:

- 1.The Superintendent of Police,
Thanjavur.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
District Police Office,
Thanjavur.
- 3.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J.

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