



Crl.O.P.No.8323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8323 of 2025
and Crl.M.P.No.5445 and 5450 of 2025

1. Sarala Devi
2. T.Parameshwari
3. Sri Lekha
4. Ashok

... Petitioners

Vs

1. The Deputy Commissioner of Police,
T.Nagar.
2. The Inspector of Police,
Kodambakkam Police Station,
Chennai.

3. Kalavathy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 482 of Cr.P.C, to quash the summons ordered by the Learned XVII Metropolitan Magistrate's Court, Saidapet in Crl.M.P.No.6176 of 2024 and quash further proceedings in pursuant of the above said direction filed under Section 156(3) of Cr.P.C.

For Petitioners : Mr.R.Venkatesh

For R1 and R2 : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



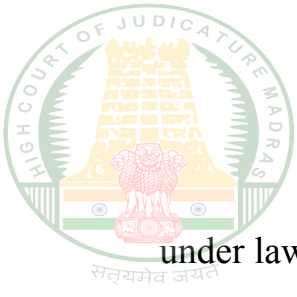
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This Criminal Original Petition has been filed to quash the summons ordered by the XVII Metropolitan Magistrate Court, Saidapet in CrI.M.P.No.6176 of 2024 and quash further proceedings in pursuant of the above said direction filed under Section 156(3) of Cr.P.C.

2. Heard and perused the materials placed on record.

3. On the complaint lodged by the third respondent, the XVII Metropolitan Magistrate Court, Saidapet had taken up the complaint on file in CrI.M.P.No.6176 of 2024 and issued summons to the petitioners since the proviso of Section 223 of BNSS, 2023 provides an opportunity of being heard the accused before taking cognizance.

4. It is seen after submitting the closure report by the second respondent on the complaint lodged by the third respondent, the learned Magistrate issued summons for enquiry. The third respondent had initially lodged a complaint before the second respondent and the same was closed. Thereafter, the third respondent had no other option but to file a private complaint before the Court. On receipt of the same, the learned Magistrate issued summons to the petitioners before taking cognizance and it is permissible



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under law.

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5. In view of the above, this Court finds no infirmity or illegality in the summons issued by the XVII Metropolitan Magistrate Court, Saidapet in Crl.M.P.No.6176 of 2024. It is made clear that before taking cognizance by the Trial Court, the presence of the accused is not compulsory and they can appear through their counsel.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous petitions are closed.

19.03.2025

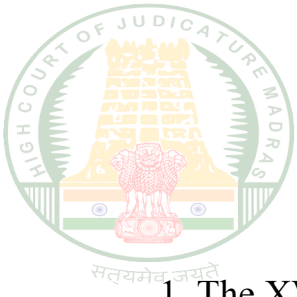
Internet: Yes
Index: Yes/No
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1. The XVII Metropolitan Magistrate Court, Saidapet.
2. The Deputy Commissioner of Police,
T.Nagar.
3. The Inspector of Police,
Kodambakkam Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

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