



*Crl.O.P.(MD)No.2236 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM

**THE HON'BLE MR.JUSTICE P.DHANABAL**

Crl.O.P.(MD)No.2236 of 2025

and

Crl.M.P(MD)No.1562 of 2025

V.Anbalagan

.. Petitioner

Vs.

1. The Inspector of Police  
Central Crime Branch -III  
Commissioner Office  
3<sup>rd</sup> Floor, Room No. 48  
Alagarkovil Road, Madurai- 02

2. The Sub Inspector of Police  
Central Crime Branch -III  
Commissioner Office  
3<sup>rd</sup> Floor, Room No. 48  
Alagarkovil Road, Madurai- 02

3. Latha Natarajan

.. Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the summons issued by the second respondent herein dated 23.12.2024 under Sections 94 and 179 of BNSS upon the complaint lodged by the third respondent herein and quash the same.



*Crl.O.P.(MD)No.2236 of 2025*

For Petitioner : Mr.S.Vishnuvardhan  
For Respondents : Mr.M.Sakthi Kumar  
No.1&2 : Government Advocate(Crl.Side)  
No.3 : M/s. B.Rukmani

### **ORDER**

This Criminal Original Petition has been filed to call for the records pertaining to the summons issued by the second respondent herein dated 23.12.2024 under Sections 94 and 179 of BNSS upon the complaint lodged by the third respondent herein and quash the same.

2. The learned counsel appearing for the petitioner would submit that the petitioner was in possession and enjoyment of the property in S.No.173/1B, Thallakulam Village, Madurai North Taluk Madurai District as a cultivating tenant. Initially their forefathers were in possession and enjoyment of the property. After the demise of the father of the petitioner Vallatharasu the petitioner is now in possession and enjoyment of the property. The third respondent and her family members in order to grab the property attempted to dispossess the petitioner illegally. Therefore the petitioner had lodged a complaint against the third respondent and her son before the Thirupathur Town Police Station, for which CSR No. 491 of 2024 assigned. The third respondent is evading from attending the



enquiry. While so, with ill motive the third respondent lodged a false complaint before the second respondent and now the second respondent had issued summons to the petitioner. Hence the present petition has been filed to quash the summons.

3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that based on the complaint given by the third respondent they issued summons to the petitioner. After receipt of summons the petitioner sought adjournment on the ground that he is unable to appear before the respondent police due to illness. Thereafter summons was issued to the petitioner and now without appearing before the respondent police filed this petition challenging the summons. Therefore the second respondent has issued summons only for enquiry purpose and hence the present petition is liable to be dismissed.

4. The learned counsel appearing for the third respondent would submit that the property belongs to the third respondent. Already complaint was lodged by her before the second respondent. The petitioner after appearing for enquiry gave an undertaking that he will not disturb the possession of the third respondent, again the petitioner herein



disturbed the third respondent, thereby she had lodged a complaint.

Therefore the petitioner has to appear before the second respondent for enquiry and hence the present petition is liable to be dismissed.

5.This Court heard both sides and perused the materials. Even according to the petitioner he is the cultivating tenant in S.No.173/1B, Thallakulam Village, Madurai North Taluk Madurai District. According to the third respondent the property belongs to her and she is in possession and enjoyment of the property. It clearly shows that there is a dispute between the parties in respect of possession over the properties and therefore both the parties have to approach the civil Court to establish their possession. In this case, the second respondent based on the complaint given by the third respondent issued summons to the petitioner. Once the petitioner received summons, it is the duty of the petitioner to respond to the summons and appear before the second respondent and give his explanation about his defence in respect of the complaint given by the third respondent. Therefore there is no illegality in issuing summons by the third respondent and no valid grounds to quash the summons.

6. In view of the same the petition has no merits and is liable to be



*Crl.O.P.(MD)No.2236 of 2025*

dismissed.

WEB COPY

7. Accordingly this Criminal Original Petition stands dismissed.

Consequently connected miscellaneous petition stands closed.

**05.02.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
aav

To

1. The Inspector of Police  
Central Crime Branch -III  
Commissioner Office  
3<sup>rd</sup> Floor, Room No. 48  
Alagarkovil Road, Madurai- 02
2. The Sub Inspector of Police  
Central Crime Branch -III  
Commissioner Office  
3<sup>rd</sup> Floor, Room No. 48  
Alagarkovil Road, Madurai- 02
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*Crl.O.P.(MD)No.2236 of 2025*

**P.DHANABAL,J.**

aav

Crl.O.P.(MD)No.2236 of 2025

05.02.2025