



W.P.(MD)No.1870 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.1870 of 2025

and

W.M.P(MD) No.1339 of 2025

1. Vijaya Gopal
2. V.Suganya
3. G.Gopala Muthu Krishnan .. Petitioners

Vs

1. The Commissioner of Police
Madurai City, Madurai
2. The Inspector of Police
CCB-I, Viswanathapuram
Madurai City
3. V.Revathi .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned summons dated 09.01.2025 issued by the second respondent and quash the same.



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For Petitioner	: Mr.T.S.R.Venkat Ramana Senior Counsel
For Respondents No.1 and 2	: Mr.A.Thiruvadikumar Additional Public Prosecutor
No.3	: Mr.G.Prabhu Rajadurai

ORDER

This Writ Petition has been filed to quash the impugned summons dated 09.01.2025 issued by the second respondent.

2. The learned Senior Counsel appearing for the petitioners submitted that the respondent police has issued summons without any jurisdiction. This Court on 08.01.2025 passed an order in W.P(MD) No. 467 of 2025 and immediately notice has been issued calling upon the petitioner to appear for enquiry on 22.01.2025. He further submitted that that the power of attorney has been executed by the the mother-in-law of the third respondent in Madurai based on which documents have been executed in Coimbatore. Now the issuance of receipt subsequent to the registration of property for a sum of Rs.4.520 crores is projected as though it is executed in Madurai. According to the stamp document the documents has been purchased in Coimbatore from one S.Dhatchayini



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stamp vendor and there is no reason for executing the same in Madurai.

Hence no part of execution for cause of action would arise in Madurai.

The respondent police is not obliging to the petitioner and interfering the civil dispute and hence sought for quashing of the impugned summons.

3. The learned counsel appearing for the third respondent submitted that on an earlier occasion when the W.P(MD) No. 467 of 2025 was adjudicated before this Court the petitioner's application was considered and documents were handed over to the learned counsel appearing for the petitioner and thereafter only this Court had passed the order and the same is also recorded in the order that specific signature to be obtained and directed to continue with the enquiry. Now the contention that impugned summons has been issued and challenging the same on the ground of merits is not proper. He further submitted that the issuance of summons is within the jurisdiction. According to the third respondent the part of cause of action arose in Madurai and the Madurai police has got jurisdiction. In the event the respondent police finding that offence has been committed in Coimbatore then appropriate decision can be taken but seeking for quashing of impugned



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summons is not proper. He further submitted that the petitioner has also filed a civil suit against the third respondent in Madurai and the hence the Madurai police has got jurisdiction.

4. The learned Additional Public Prosecutor submitted that the summons has been issued only on 09.01.2025 after the orders passed by this Court directing the parties to appear on 22.01.2025. The summons have been issued and it is only a part of the investigation and it is statutory duty which is cast upon the respondent police.

5. This Court finding that there is no reason to quash the summons issued by the respondent police and it is only at the stage of preliminary enquiry. The respondent police is directed to continue with the enquiry and it is reminded that it is a dispute between two families with regard to the property and no coercive action to be taken.

6. In view of the serious charge levelled against the petitioner this Court direct the Assistant Commissioner of Police, City Crime Branch, Madurai to continue with the investigation. The Assistant Commissioner



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of Police, City Crime Branch, Madurai is directed to decide the jurisdiction issue first and thereafter to conduct enquiry and dispose of the same within a period of two months from the date of receipt of a copy of this order. The second respondent is directed to transmit the entire bundles in connection with this case to the Assistant Commissioner of Police, City Crime Branch, Madurai forthwith.

7. With the above direction, the Writ Petition stands disposed of.
No costs. Consequently connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No
Internet : Yes/No
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To

1. The Commissioner of Police
Madurai City, Madurai
2. The Assistant Commissioner of Police,
District Crime Branch, Madurai
3. The Inspector of Police
CCB-I, Viswanathapuram
Madurai City

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4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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