



Crl.O.P.(MD).No.13824 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.13824 of 2026

S.Nachimuthu

... Petitioner/
Defacto Complainant

Vs

1. The Inspector of Police,
Ayakkudi Police Station,
Dindigul District.
(Crime No.52 of 2015

... 1st Respondent/
Complainant

2. Mahesh
3. Naatrayan
4. Tamilarasi
5. Ravi
6. Murugesh

... Respondents 2 to 6/
Accused 1 to 5

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the returned docket order passed in un-numbered Crl.M.P.No.... of 2026 on the file of the learned Judicial Magistrate Court, Palani dated 30.01.2026 and to number the re-open petition and pass such further or other orders as this Court may deem fit.

For Petitioner : M/s.J.Balameenakshi



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For R1

: Mr.B.Arun

Counsel for State of TN(CrI.Side)

ORDER

The present petition has been filed by the defacto complainant in Crime No.52 of 2015 on the file of the first respondent police seeking to set aside the docket order passed by the learned Judicial Magistrate, Palani, wherein the protest petition filed by the petitioner has been returned.

2. It could be seen from the records that the first respondent police has filed RCS report in RCS No.42 of 2015 before the learned Judicial Magistrate, Palani on 19.05.2015.

3. The learned counsel appearing for the petitioner submitted that she has not received RCS notice either from the police official or from the Court and in such circumstances, belatedly he came to know about the RCS report and thereafter filed the present application on 30.01.2026 protesting as against the referred charge sheet.



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4. A perusal of the return order points out that the trial Court has refused to number the protest petition on the ground that RCS has been closed and therefore the protest petition cannot be entertained. Challenging the same, the present petition has been filed.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. According to the learned counsel appearing for the petitioner, RCS notice has not been served either by the police officials or by the Court and in such circumstances, protest petition filed by the petitioner ought to be numbered and it has to be disposed of on its merits. It cannot be rejected on the ground of delay.

7. In view of the above said facts, the impugned return order is set aside and the learned Judicial Magistrate, Palani is directed to number the said protest petition and proceed in accordance with law.



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8. With the above said observation, this Criminal Original Petition is allowed.

13.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

Note: The Registry is directed to return the original records after getting necessary acknowledgment from the learned counsel appearing for the petitioner.

To

1. The Judicial Magistrate,
Palani.
2. The Inspector of Police,
Ayakkudi Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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