

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.10140 of 2015

E.PALANI

[PETITIONER

Vs

1 D.BASKAR
2 KARTHICK

[RESPONDENTS]

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction to the Honble XV th Metropolitan Magistrate Court, George Town, Chennai, to Set aside the return endorsement and restore the complaint filed by the petitioner in M.P.No.298/2014 which was dismissed on 21/11/2014 ofr non appearance of the Complainant and thus render justice.

For Petitioner :Mr.A.T,Jayaraman

For State: : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to issue a direction to the the XV Metropolitan Magistrate, George Town, Chennai, to set aside the return endorsement and restore the complaint filed by the petitioner in M.P.No.298/2014, which was dismissed on 21/11/2014 for his non appearance.

2. The learned XV Metropolitan Magistrate, George Town, Chennai has dismissed the complaint of the petitioner on the ground that the complainant was not present and that the case has been pending for a long time. The said endorsement made reads as follows:-

"Complainant called absent. No
representation. Long pending. No
progress. Hence, this petition
dismissed".

When the learned Magistrate has dismissed the complaint, this Court did not have power under Section 482 Cr.P.c. to restore the complaint. Hence, this Criminal Original Petition is

dismissed, giving liberty to the petitioner to file a fresh complaint.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

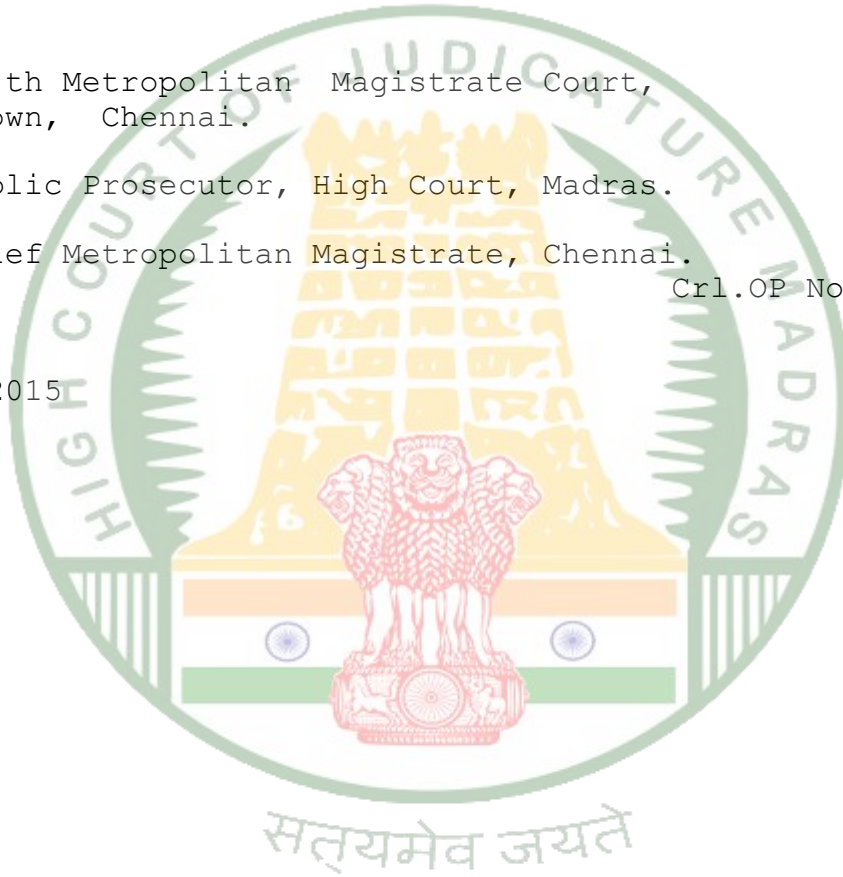
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To

1. The XV th Metropolitan Magistrate Court,
George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Chief Metropolitan Magistrate, Chennai.

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RSY(CO)
Eu 20.05.2015



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