



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.4000 of 2015

WEB COPY

M. PRIYA

.. Petitioner/Defacto Complainant

Vs.

1. STATE THROUGH
THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR.
2. STATE THROUGH THE INSPECTOR OF POLICE,
WATRAP POLICE STATION,
IN CRIME NO.283/2012,
VIRUDHUNAGAR DISTRICT.
3. DURAIPANDIAN
4. MUTHURAJ
5. VELUSAMY

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue appropriate directions to call for the records in C.C.No.60/2013 on the file of Judicial Magistrate Court No.1, Srivilliputhur and to set-aside the orders of taking cognizance dated 02/04/2013 against the above R3 to R5/A1 to A3.

For Petitioners	:	Mr.G.Mariappan
For R1 & R2	:	Mr.K.Anbarasan
		Government Advocate, (Crl. Side)

O R D E R

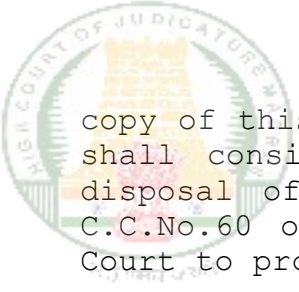
The petitioner has filed this petition to call for the records in C.C.No.60/2013 on the file of Judicial Magistrate Court No.1, Srivilliputhur and to set-aside the orders of taking cognizance dated 02/04/2013 against the R3 to R5/A1 to A3.

2. On completion of investigation, two reports have been filed. One informing commission of offence by two persons and another informing non involvement of the third accused.

3. The learned counsel for the petitioner submits that in taking cognizance against the third accused, no notice stands issued to the petitioner, the defacto complainant and that he was entitled to such notice. The case is now pending trial in C.C.No.60 of 2013.

4. Heard the learned Government Advocate (crl. side) appearing for the respondents police.

5. In the circumstances of the case, the petitioner may prefer a protest petition before the Judicial Magistrate Court No.1, Srivilliputhur within a period of one month from the date of receipt of a



copy of this order. The learned Judicial Magistrate No.1, Srivilliputhur shall consider the same on merits and pass orders thereupon. Pending disposal of the protest petition, there shall be an order of stay in C.C.No.60 of 2013. After such disposal, it would be open to the trial Court to proceed with the trial in C.C.No.60 of 2013.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.
2. -DO- THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT OF POLICE, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Rj2

SR/PRV : 23.06.2015 : 2p/6c

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