

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.24074 of 2018

A.Subramanian

.. Petitioner

Vs

The State rep. By  
The Inspector of Police,  
Kuniamuthur Police Station,  
Coimbatore.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the dismissal order dated 04.06.2018 on the file of Judicial Magistrate No.VII, Coimbatore and restore the complaint given by the petitioner and to investigate the matter for necessary action.

For Petitioner : Mr.R.Chandrasekaran

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to set aside the dismissal order dated 04.06.2018, passed by the Judicial Magistrate No.VII, Coimbatore and restore the complaint given by the petitioner and to further investigate the matter.

2. The petitioner filed a private complaint before the Judicial Magistrate Court No.VII, Coimbatore, for the offences under Sections 499, 500, 502(b) and 506(ii) IPC. The trial Court adjourned the complaint for various dates, since, the complainant was absent. Ultimately, the complaint was dismissed for non prosecution, even before the cognizance was taken. Challenging the said order, the complainant is before this Court.

3. Heard the learned counsel for the complainant.

4. In the opinion of this Court, the trial Court was just in dismissing the complaint for non prosecution, since, the adjudication shows that from 09.02.2018 to 04.06.2018, neither the complainant nor his counsel was present before the trial

Court. Therefore, the order passed by the trial Court does not warrant interference by this Court.

5. Since the complaint was not dismissed under Section 256 Cr.P.C. after taking cognizance, liberty is granted to the petitioner to file a fresh complaint. However, in the fresh complaint, the petitioner should disclose the fact relating to the dismissal of the earlier complaint.

With the above observation, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Inspector of Police,  
Kuniamuthur Police Station,  
Coimbatore.

2. The Judicial Magistrate No.VII,  
Coimbatore.

3. The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr. R. Chandrasekaran, Advocate Sr.70973

Cr1.O.P.No.24074 of 2018

RSV(CO)

EU(30/10/2018)

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