

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CrI.OP.No.34003 of 2019

S.A.Maran

... Petitioner

Vs.

The State Rep.by  
Sub Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the learned Judicial Magistrate, Avinashi to take the C.M.P.Sr.No.12244 of 2019 on file and to number the petitioner's private complaint dated 10.10.2019 in C.M.P.No...2019 on the file of the learned Judicial Magistrate, Avinashi.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner to direct the learned Judicial Magistrate, Avinashi to take the C.M.P.Sr.No.12244 of 2019 on file and to number the petitioner's private complaint dated 10.10.2019 in C.M.P.No...2019 on the file of the learned Judicial Magistrate, Avinashi.

2. The learned counsel for the petitioner has submitted that the petitioner herein has filed a private complaint under Section 156(3) of Cr.P.C before the Judicial Magistrate, Avinashi. The learned Judicial Magistrate, Avinashi had returned the said complaint on 25.10.2019 pointing out certain defects and thereafter the petitioner had re-presented the said complaint after rectifying the said defects on 10.10.2019. He further submitted that the learned Judicial Magistrate, Avinashi again returned the said complaint on 15.10.2019 as the previous defects of the complaint not complied with and thereafter, the petitioner has re-presented the said complaint. Again, the learned Judicial Magistrate, Avinashi has returned the said complaint on 27.11.2019. He further submitted that eventhough, the petitioner has rectified the defects which were pointed out

by the learned Judicial Magistrate, Avinashi. The learned Judicial Magistrate, Avinashi without passing any order in the said complaint, he repeatedly returning the said complaint and hence, he requests to direct the concerned Magistrate to entertain the said complaint and dispose of the same in accordance with law.

3. Considering the aforesaid submissions, the petitioner is directed to re-present the complaint before the Judicial Magistrate, Avinashi within two weeks from the date of receipt of a copy of this order. On such re-presentation of the said complaint, the learned Judicial Magistrate, Avinashi shall pass order either directing the police/respondent to register the case or dismissing the said complaint within fifteen days thereafter.

4. With the aforesaid directions, this petition is disposed of.

Sd/-  
Assistant Registrar(J )

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,  
Avinashi.
2. The Sub Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.
3. The Public Prosecutor,  
High Court, Chennai.

+1 cc to M/s.S.Kumaradevan, Advocate Sr.No. 105351

AKM/12.02.2020/2P-5C /

Cr1.O.P.No.34003 of 2019

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