

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Cr1.O.P. (MD) No.4914 of 2014**

O.Homerlal

... Petitioner

vs.

The State rep.by its
Inspector of Police
Thuckalay Police Station
Kanyakumari District

... Respondent

PRAYER: Petition is filed under Section 482 Cr.P.C., to set aside the order passed in C.M.P.No.6659 of 2013 dated 14.02.2014 on the file of the Judicial Magistrate Court, Padmanabhapuram.

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. Homerlal filed a petition in Cr1.M.P.No.6659 of 2013, under Section 156(3) Cr.P.C., before the learned Judicial Magistrate, Padmanabhapuram, which has been dismissed for default, on 14.02.2014, challenging which, Homerlal is before this Court.

3. Heard the learned appearing for Homerlal and the learned Additional Public Prosecutor appearing for the State.

4. In the opinion of this Court, it is not necessary to set aside the order dated 14.02.2014, because, it is always open to Homerlal to file a fresh petition, provided, cause of action survives, but of course after truthfully mentioning about the dismissal of the earlier petition on 14.02.2014.



5. With the above observation, this Criminal Original Petition is closed.

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Sd/-

Assistant Registrar (CS III)

Sub Assistant Registrar (CS)

To:

1. The Judicial Magistrate,
Padmanabhapuram.

2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S.C. Herold Singh, Advocate, SR.No.56444

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25.03.2019

KK/SAR/16.04.2019/ 2P- 5C