



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.12767 of 2019

WEB COPY

Esakkirajan

...Petitioner

Vs.

1.Siva

2. The State Rep. by
The Inspector of Police
Kovilpatti East Police Station
Kovilpatti
Thoothukudi District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the learned Judicial Magistrate No.I, Kovilpatti in Crime No.552 of 2017, Kovilpatti East Police Station dated 06.08.2018

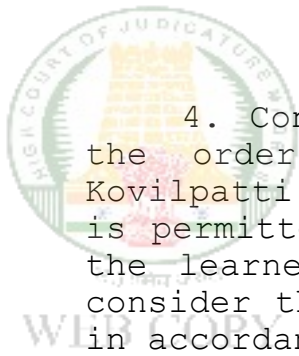
For Petitioner	:	Mr.G.Thalaimutharasu
For Respondents	:	Mr.K.Suyambulinga Bharathi
No.2		Government Advocate(Crl.Side)

ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Kovilpatti in Crime No.552 of 2017, Kovilpatti East Police Station dated 06.08.2018

2. The learned counsel for the petitioner would submit that on the complaint lodged by the petitioner the second respondent police registered a case in Crime No.552 of 2017 for the offences under Sections 406,420,294(b) and 506(i) of IPC. Thereafter the second respondent police even without conducting enquiry closed the case as 'Mistake of Fact' and served RCS notice in R.C.No.5 of 2018. On receipt of the same, the petitioner filed protest petition before the concerned Magistrate on 06.08.2019. He further submitted that the petitioner was unable to before the concerned Magistrate and as such the learned Magistrate closed the First Information Report as no objection wa filed by the petitioner.

3. It is seen that the petitioner has filed protest petition and during pendency of the said case, the petitioner could not present on 06.08.2019.



4. Considering the above facts and circumstances of the case, the order passed by the learned Judicial Magistrate No.I, Kovilpatti in Crime No.552 of 2017 is set aside and the petitioner is permitted to file protest petition and on receipt of the same, the learned Judicial Magistrate No.I, Kovilpatti is directed to consider the same and conduct enquiry and pass orders on merits and in accordance with law.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.I, Kovilpatti
2. The Inspector of Police
Kovilpatti East Police Station
Kovilpatti
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.

+1 CC to Mr.G.THALAIMUTHUTHARASU, Advocate SR-86730.

CrI.O.P. (MD) No.12767 of 2019
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