



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2020**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.[MD].No.1627 of 2020

Selvi

: Petitioner/Petitioner

Vs.

state rep. By,
The Inspector of Police,
Tiruparankundram Police Station,
Madurai District.

: Respondent/Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order passed in unnumbered Crl.M.P.Nil of 2019 which was returned on 04.01.2020 by the Judicial Magistrate Court No.VI, Madurai by allowing this criminal original petition and subsequently direct the trial Court to number the Criminal Miscellaneous petition under Section 156(3) Cr.P.C.

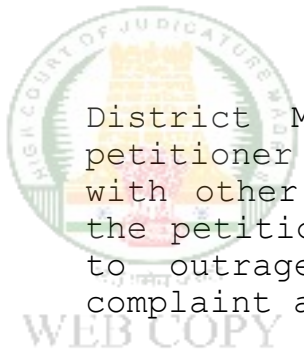
For Petitioner : Mr.T.Amjad Khan
for M/S.S.Gobi

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to set aside the order passed in unnumbered Crl.M.P.Nil of 2019 which was returned on 04.01.2020 by the Judicial Magistrate Court No.VI, Madurai and subsequently to direct the trial Court to number the Criminal Miscellaneous petition under Section 156(3) Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that the petitioner is residing at Periyaratha Veedhi, Thiruparankundram, as a tenant. During the Month of July, 2019, since one Pitchaiammal attempted to evict the petitioner without following due process of law, the petitioner has filed a suit before the Principal District Munsif Court, Thirumangalam in O.S.No.167 of 2019 and it is pending. In order to repair the house, the petitioner has filed I.A.No.2 of 2019 seeking to repair the rental house of the petitioner and the same was allowed on 22.11.2019 by the Principal



District Munsif Court, Thirumangalam. On 27.11.2019, while the petitioner was repairing the house, one Rajasekar and Sivamani along with other persons came into the petitioner's house and threatened the petitioner with dire consequences and tried to remove her saree to outrage her modesty. Therefore, the petitioner lodged a complaint against the accused persons before the respondent police.

3.Since no action was taken by the respondent police, the petitioner had filed a private complaint in unnumbered Crl.M.P.Nil of 2019 under Section 156(3) Cr.P.C against Pitchaiammal and her sons viz., Rajasekar, Sivamani and other accused persons. The Judicial magistrate without properly analyzing the fact and without examining the petitioner, has returned the complaint and directed the complainant to file contempt petition before the Munsif Court to take action against the accused persons. He would further submit that it is not a case of non obedience of the order passed by the District Munsif whereas it is a case where the petitioner was threatened and the accused persons also attempted to outrage her modesty by pulling her saree. The learned judge even without conducting enquiry had returned the complaint directing to file proper application before the Munsif Court. Without even hearing the petitioner, the complaint has been returned on 04.01.2020. Hence, the present petition is filed.

4.Perused the material available on record.

5.The learned Additional Public Prosecutor would submit that since the matter is civil in nature, the respondent police has not interfered.

6.In view of the averments made by the petitioner in the complaint that one Pitchaiammal and her sons have tried to outrage the modesty of the petitioner, the order passed in unnumbered Crl.M.P.Nil of 2019 on 04.01.2020 by the Judicial Magistrate Court No.VI, Madurai is set aside and the Judicial Magistrate Court No.VI, Madurai shall enquire the petitioner and pass orders in accordance with law.

7.With the above observations, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD-I)

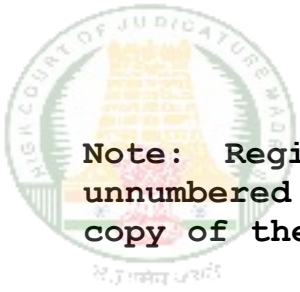
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/ /2020

Sub Assistant Registrar(CS)

vsg

<https://hcservices.ecourts.gov.in/hcservices/>



Note: Registry is directed to return the original petition in unnumbered Cr.M.P.Nil/2019 to the petitioner after obtaining xerox copy of the same.

To

WEB COPY

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Tiruparankundram Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:
The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.GOB I, Advocate (SR-4125[F] dated 31/01/2020)

CrI.O.P.[MD].No.1627 of 2020
31.01.2020

JMN(25.02.2020) 3P : 6C