



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P(MD).No.3090 of 2020

WEB COPY

Ganeshraja

... Petitioner

Vs.

The Inspector of Police
Central Crime Branch
Madurai District

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the return docket made in Cr.M.P.No.1202 of 2020 dated 11.02.2020 on the file of the learned Judicial Magistrate No.I, Madurai and to direct the learned Judicial Magistrate No.I, Madurai to entertain the petition filed by the petitioner in Cr.M.P.No.1202 of 2020.

For Petitioner : Mr. V.Vishnu

For Respondents : Mr.S. Chandrasekar
No.1 Additional Public Prosecutor

For intervenor : Mr.Elango

O R D E R

This Criminal Original petition has been filed to set aside the return docket made in Cr.M.P.No.1202 of 2020 dated 11.02.2020 on the file of the learned Judicial Magistrate No.I, Madurai and to direct the learned Judicial Magistrate No.I, Madurai to entertain the petition filed by the petitioner in Cr.M.P.No.1202 of 2020.

2. The learned counsel for the petitioner would submit that the petitioner has filed a complaint against the father-in-law, mother-in-law, brother-in-law and his wife under Section 156(3) of Cr.P.C The learned Magistrate without hearing the petitioner had returned the complaint stating that the parties are family members. He would submit that when specific allegations are made out against the respondents, the complaint cannot be returned since they are relatives. Offences committed by the accused cannot be wiped and they cannot be absolved since they are relatives. The learned Magistrate had returned the complaint by docket order stating that the parties are family members cannot be sustained.

3. I have gone through the order of return passed by the learned Magistrate.
<https://hcservices.ecourts.gov.in/hcservices/>



4. The learned Magistrate while returning the petition has stated as follows:

" Petitioner filed. Signature of the petitioner not available in affidavit already enquiry pending before CCB, Madurai. The parties are family members a husband and wife. Hence this petition is returned".

This reason for return cannot be sustained. The petitioner is directed to represent the petition after due compliance and the learned Magistrate shall hear the petitioner and pass orders in accordance with law. It is made clear that this Court has not made any observation with regard to the merit of the averment made in the complaint.

4. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To;

1. The Judicial Magistrate No.I, Madurai
2. The Inspector of Police
Central Crime Branch
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.

(To return the original impugned order to the petitioner after substituting with the xerox copy)

+1 CC to Mr.V.VISHNU, Advocate (SR-7645[F] dated 21/02/2020)