



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.7976 of 2020

WEB COPY

P.Subburaman

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Inspector of Police,
Sattur Town Police Station,
Sattur,
Virudhunagar District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to Cr.M.P.No.1653(c)/2020 and to set aside the order passed by the learned Judicial Magistrate No.2, Sattur, dated 16.03.2020 and consequently first respondent registered the complaint dated 22.03.2020.

For Petitioner	: Mr.C.M.Arumugam
For Respondents	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking the relief to call for the records pertaining to Cr.M.P.No.1653(c)/2020 and to set aside the order passed by the learned Judicial Magistrate No.2, Sattur, dated 16.03.2020.

2.Today, when the petition is came up for hearing, the learned Additional Public Prosecutor appearing for the respondents would submit that in earlier, in the proceedings in Cr.M.P.No.1653(c)/2020, which required to be set aside by the petitioner, the respondents herein are not arrayed as a party. Further, the respondents in the earlier petition are not arrayed as a party in this petition. According to him, the petition filed by the petitioner is bad for non-joinder of necessary party.

3.In this regard, the learned counsel for the petitioner concedes the defect pointed out by the learned Additional Public Prosecutor and prays to dismiss this petition with liberty to file a fresh application after adding the necessary and proper parties.



4.The submissions made by the learned counsel appearing on either side are recorded.

5.It is made clear that the defect pointed out by the learned Additional Public Prosecutor would definitely defeat the case of the petitioner. However, this petition has been filed by the petitioner in respect of the purchase of two wheeler and the same has to be adjudicated finally.

6.In view of the above, this Criminal Original Petition is dismissed with liberty to the petitioner to file a fresh application after adding the necessary and proper parties.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Inspector of Police,
Sattur Town Police Station,
Sattur,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.7976 of 2020
31.07.2020

VB (18.08.2020) 2P 4C

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