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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.12543 OF 2018

Yesumani

.. Petitioner/Complainant

.Vs.

K.Designan

..Respondent/Accused

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in C.C.No.5027/2013 by the learned MM (FTC-II) at Allikulam on 13.06.2017 and to take the case on file.

For Petitioner : Mr.V.Ramamurthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this petition to set aside the order passed in C.C.No.5027/2013 by the learned MM (FTC-II) at Allikulam on 13.06.2017.

2. The learned counsel appearing for the petitioner submitted that the petitioner has filed a private complaint in C.C.No.5027 of 2013 and the said complaint was represented with a delay of 23 months. When the matter was taken up by the Trial Court, it held that the petitioner has not explained the delay in a proper manner and thereby dismissed the petition on 13.06.2017. Challenging the said order, the present petition is filed by the petitioner.

3. After some arguments, the learned counsel for the petitioner seeks permission to withdraw this petition and further submitted that this Court may permit the petitioner to file appropriate affidavit explaining each and everyday's delay for not representing the complaint on time.

4. Considering the limited request sought for by the



learned counsel for the petitioner, this Court is inclined to permit the petitioner to withdraw this petition and to file a fresh affidavit explaining the delay in filing the complaint along with necessary particulars, before the Trial Court.

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5. Accordingly, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to file a fresh affidavit, within a period of four weeks from the date of receipt of a copy of this order, explaining the delay in filing the complaint along with necessary particulars, before the Trial Court, which in turn, shall consider the same on merits and in accordance with law.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sk

To

The Metropolitan Magistrate,
(FTC-II) at Allikulam

+2cc to Mr.V.Ramamurthy, Advocate, S.R.No.43440

Crl.O.P.No.12543 of 2018

MG(CO)
CS/03/09/2021