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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 13427 of 2020

R.Saravana Kumar

...Petitioner

Vs.

The Chief Judicial Magistrate
Combined Court Buildings
Thadagam, Thokkampatti Post
Dharmapuri District.

...Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the Respondent to conduct enquiry on the Petitioner's representation dated 31.01.2020 and consequently, direct the Respondent to restore the missing bundle in unnumbered Criminal Miscellaneous Petition of 2015 on the file of the Learned Judicial Magistrate, Harur and also to comply with C.A. No. 288 of 2018 and C.A. No. 367 of 2018.

For Petitioner : Ms. Kavya Bhaskaran
For M/s. R.Jayaprakash

For Respondent : Mr. S.Thangavel

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The matter was heard through 'Video Conference'.

2. This Writ Petition has been filed for a direction directing the Respondent to conduct an enquiry on the Petitioner's representation dated 31.01.2020 and consequential direction to the Respondent to restore the missing bundle in unnumbered Criminal Miscellaneous Petition of 2015 on the file of the Learned Judicial Magistrate, Harur.



3. The Petitioner claims that he has got married to one D.Vidhya. Due to matrimonial dispute between the Petitioner and his wife, a Petition in H.M.O.P. No. 119 of 2012 seeking for nullity of the marriage has been filed by the Petitioner before the Learned Subordinate Court, Dharmapuri. Thereafter, H.M.O.P. No. 119 of 2012 was transferred to the District Family Court, Dharmapuri and renumbered as F.C.O.P. No. 71 of 2014. The Petitioner's wife, viz., D.Vidhya filed another Petition in H.M.O.P. No. 95 of 2015 before the Subordinate Court, Harur, in which some of documents were marked by altering the contents of original documents, especially her educational qualification, in which a major fraud was played. Therefore, a complaint under Section 200 CrPC has been given by the Petitioner in Criminal Miscellaneous Petition unnumbered of 2015 before the Judicial Magistrate, Harur to take criminal action against the Petitioner's wife, viz., D.Vidhya. The same was dismissed by the Judicial Magistrate, Harur without giving number on 24.11.2015. Thereafter, a Criminal Revision in CrI.R.C. No.247 of 2016 has been preferred by the Petitioner before this Court against the dismissal of the order dated 24.11.2015. Afterwards, the Petitioner applied for copy application in C.A. No. 288 of 2018. However, the said copy application has not been complied with due to missing of the above said records. Therefore, the Petitioner gave a complaint on 31.01.2020 before the Chief Judicial Magistrate, Dharmapuri to restore the missing file in connection with unnumbered criminal miscellaneous petition and to comply with C.A. No. 288 of 2018 and C.A. No. 367 of 2018 and take action against all those involved.

4. Heard Ms. Kavya Bhaskaran, Learned Counsel representing Mr. R.Jayaprakash, Learned Counsel for the Petitioner, Mr. S.Thangavel, Learned Counsel appearing for the Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

5. It is evident from the documents available, that the unnumbered Petition has already been dismissed and the Petitioner applied for the order copy in C.A. No. 288 and 367 of 2018, which could not be complied with, in view of the missing of case bundle relating to the order dated 24.11.2015 in unnumbered criminal Petition on the file of the Judicial Magistrate Court, Harur.

6. It is submitted that the case records concerning the unnumbered private complaint has been called for by this Court in Criminal R.C. No. 247 of 2016 and therefore, the copy application could not be complied with. Since the said



bundle is available before this Court, the Petitioner can very well get a copy of that order by filing fresh copy application, if it is otherwise in order.

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7. With the above, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Chief Judicial Magistrate
Combined Court Buildings
Thadagam, Thokkampatti Post
Dharmapuri District.

2.The Judicial Magistrate,
Harur.

3.The Subordinate Judge, Harur.

Copy to

1.The Section Officer,
Legal Cell, High Court, Madras.

2.The Section Officer,
'C' Section, High Court, Chennai.

+1cc to M/s.R.Jaya Prakash, Advocate, S.R.No.32631

W.P. No. 13427 of 2020

PMK (CO)
KKV/29/07/2021