



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.4110 of 2017

&

Crl.M.P.No.3060 of 2017

1. Jaganathan

2. Padmavathi

...Petitioners

Vs

R.Nandhini

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.384 of 2015 on the file of the Judicial Magistrate No.VI, Coimbatore and quash the same in as much as against the petitioners.

For Petitioners : Mr.Shelton D.Durairaj

For Respondent : Mr.J.Franklin

O R D E R

This petition has been filed to quash the private complaint filed by the de facto complainant for the offences under Section 498A of I.P.C. in 384 of 2015 on the file of the Judicial Magistrate No.VI, Coimbatore.

2. This Court has called for report from the learned Judicial Magistrate No.VI, Coimbatore as to whether any order has been passed in respect of the protest petition filed by the de facto complainant in final report filed in Crime No.601 of 2013. Now the learned Judicial Magistrate by a letter dated 01.10.2021 has informed that though the negative report has been



filed in Crime No.601 of 2013 stating that the case had been closed, no order has been passed by the learned Judicial Magistrate in the protest petition.

3. The learned Judicial Magistrate is directed to pass an order in the protest petition in Crime No.601 of 2013 and proceed further. Instead of passing such order, entertaining a similar complaint by way of private complaint is not proper. As final report is filed in the similar complaint and negative report has also been filed, it is not known whether the negative report is accepted or not. Only in the event the learned Judicial Magistrate coming to the conclusion that the final report is to be accepted, then the question of entertaining the private complaint would arise. However, it has not been done in this case. Hence, the private complaint is liable to be quashed.

4. Accordingly, the Criminal Original Petition is allowed and the case in C.C.No.384 of 2015 on the file of the Judicial Magistrate No.VI, Coimbatore is quashed. The learned Judicial Magistrate is directed to pass an order in the protest petition within a period of three months in respect of charge sheet in Crime No.601 of 2013. It is well open to the de facto complainant to take appropriate legal measures after the disposal of the protest petition. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

The Judicial Magistrate No.VI,
Coimbatore.

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KSM(CO)
SU(02/12/2021)