



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P. (MD) No.7632 of 2019

S.Ithayathulla

.. Petitioner/Petitioner

Vs.

R.Suresh @ Ravikularaman

.. Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order of return dated 14.12.2018 made by the learned Judicial Magistrate No.II, Dindigul, in Cr.M.P.SR.No.17519 of 2018 and consequently, direct the learned Judicial Magistrate No.II, Dindigul, to take the private complaint on file and proceed in accordance with law.

For Petitioner : Mr.G.Aravinthan

ORDER

This petition has been filed seeking order to set aside the order of return dated 14.12.2018 made by the learned Judicial Magistrate No.II, Dindigul, in Cr.M.P.SR.No.17519 of 2018 and consequently, direct the learned Judicial Magistrate No.II, Dindigul, to take the private complaint on file and proceed in accordance with law.

2.The petition that has been filed by the petitioner before the trial Court to register a case against the accused person, was returned on the ground of lack of territorial jurisdiction. Returning the private complainant that has been filed by the petitioner even without entertaining the same on the ground of territorial jurisdiction may not be proper. The learned Judicial Magistrate No.II, Dindigul, ought to have entertained the complaint and after recording the statement or by processing the records a judicial order ought to have been passed. Returning the same making such an endorsement may not proper and appropriate. On the sole ground the return endorsement is liable to be set aside.

3.The petitioner is directed to represent the petition before the concerned Court and on receipt of the same the Judicial Magistrate concerned, shall process the same as per law.



4. With the above said directions, this Criminal Original Petition is allowed.

WEB COPY

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Judicial Magistrate No.II,
Dindigul.
2. Do-Through : The Chief Judicial Magistrate,
Dindigul District.
3. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

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USK (28.12.2021) 2P 4C