



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

CRL.O.P. (MD) No.14556 of 2021

B.Manikanda Prabhu

... Petitioner/Defacto
Complainant

-Vs-

1. The Inspector of Police (Crime),
Tallakulam Police Station,
Madurai City.
Crime No. 1665 of 2018

2. Vincent

3. Jeyarani

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the orders dated 07.05.2021 made in C.C.No.384 of 2021 on the file of Judicial Magistrate No.II, Madurai taking cognizance of the case and set aside the same as illegal and permit the petitioner to file a protest petition to canvas his right in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For R1 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

O R D E R

This petition is filed seeking to set aside the cognizance order that has been passed by the Judicial Magistrate No.II, Madurai, in C.C.No.384 of 2021.

2.The petitioner is the defacto complainant in crime No.1665 of 2018, which was registered for the offences punishable under Sections 406 and 420 of I.P.C. The grievance of the petitioner is that totally there are three accused in this crime and during the course of investigation, two accused have been deleted from the final report and cognizance has been taken by the concerned Magistrate against the only one accused. According to the petitioner, it is settled principles of law that before taking cognizance in respect of the deletion report, notice must be served upon the complainant. Since it is a settled position of law, the order passed by the Judicial Magistrate No.II, Madurai,



is set aside and the Judicial Magistrate No.II, Madurai, is hereby directed to serve notice to the petitioner / defacto complainant with regard to the deletion report. After hearing him, by giving due opportunity, passed orders shall be passed.

3. With the above said direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls

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,
Madurai.
2. The Inspector of Police (Crime),
Tallakulam Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.GANDHI, Advocate (SR-30804[F] dated 30/09/2021)