



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P. (MD) No.10357 of 2019

M.Jamal Mohammed

.. Petitioner

Vs.

Sahul Hameed

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records in Cr.M.P. Unnumbered of 2019 on the file of the learned Subordinate Court, Pattukottai, Tanjore District, dated on 02.11.2018 and set aside the same as illegal and consequently, direct the learned Subordinate Court, Pattukottai, Tanjore District to decide the matter on merits.

For Petitioner : Mr.T.Lajapathi Roy

ORDER

This petition has been filed seeking order setting aside the order passed in Cr.M.P. Unnumbered of 2019 on the file of the learned Subordinate Judge, Pattukottai, Tanjore District, dated on 02.11.2018 and consequently, direct the learned Subordinate Judge, Pattukottai, Tanjore District to decide the matter on merits.

2.A complaint has been filed by the petitioner before the Sub Court, Pattukottai under Sections 340 and 195 Cr.P.C. It was came to be returned by setting out various reasons. Challenging the above said return, this petition has been filed. Since the complaint has been filed before the concerned Civil Court, the petitioner ought to have invoked jurisdiction under Article 227 of Constitution of India as a Revision. But without invoking the jurisdiction, he has filed this Criminal Original Petition. So this petition under Section 482 Cr.P.C. is not maintainable.

3.Hence, the petitioner is at liberty to workout his remedy through appropriate proceedings. With the above liberty, this Criminal Original Petition is dismissed. Registry is directed to



return the original impugned order to the petitioner after getting proper acknowledgement, for taking appropriate steps.

Sd/-

Assistant Registrar ()

WEB COPY

// True Copy //

/ /2022

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

The Subordinate Judge, Pattukottai, Thanjavur District.

Copy to

The Section Officer, E.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-36338[F] dated 29/11/2021)

Crl.O.P. (MD)No.10357 of 2019
26.11.2021

TSK(CO)
SB(07.01.2022) 2P 4C