



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.1279 of 2022

Arockiya Victor

... Petitioner

Vs.

1.The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

2.Rajaganesh
3.Rajasekar
4.Chithravathi
5.Rathnavathi
6.Parasakthi

... Respondents

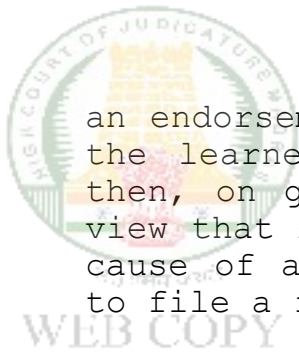
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the return docket order and consequently direct the learned Judicial Magistrate, Radhapuram to number the case and to proceed with in Diary No.5673 of 2021 filed by the petitioner.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1.

O R D E R

The petitioner is said to have obtained decree against the proposed accused. He would contend that in violation of the said decree, the accused trespassed into the property and also held out life threat against him. The petitioner filed a complaint before the respondent police. A CSR was issued. He also filed a private complaint before the learned Judicial Magistrate, Radhapuram. The learned Judicial Magistrate, Radhapuram did not entertain the complaint but returned the same by citing the pendency of a civil suit. Challenging the said endorsement of return, this criminal original petition has been filed.

2.The learned counsel for the petitioner submitted that when the suit has already concluded in favour of the petitioner, making



an endorsement that civil suit is pending is incorrect. Of course, the learned counsel for the petitioner is factually correct, but then, on going through the contents of the complaint, I am of the view that no case has been made out for interference. If any fresh cause of action arises, it is always open to the petitioner herein to file a fresh complaint.

3. With this observation, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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,
Radhapuram, Tirunelveli District.
2. The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.1279 of 2022
25.01.2022

NSN (CO)
GC (08.02.2022) 2P 4C