



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Tuesday, the Twenty Second day of November Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD). No.14549 of 2022

Senthilnadhan

... Petitioner/Accused

Vs

1 Saravanan

..Respondent/Complainant

2 The Inspector of Police
Lalapettai Police Station,
Kulithalai Taluk,
Karur District.

... Respondent/Respondent

Prayer :-

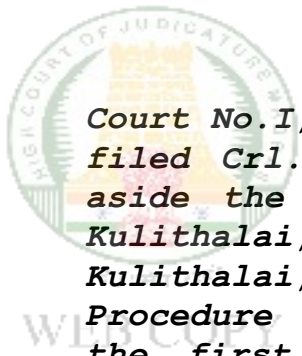
Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to C.C.No. 12 of 2021 on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District and Quash the same.

ORDER:- This Criminal Original Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R. Murugappan, Advocate for the Petitioner and of Mr. Meenakshi Sundaram, Additional Public Prosecutor for the 2nd respondent, this Court made the following order:

"1. Today, this matter has been listed under caption "For Being Mentioned".

2. As per the submission of the learned Counsel for the Defacto Complainant before the Trial Court, the Petition in Crl.O.P(MD) No.7819 of 2021 was allowed, dated 25.03.2022, resulting in quashing of C.C.No.12 of 2021 on the file of the learned Judicial Magistrate Court No.I, Kulithalai, Karur District.

3. It is the submission of the learned Counsel for the first Respondent / Defacto Complainant before the Judicial Magistrate



Court No.I, Kulithalai, Karur District that earlier, the accused had filed Crl.O.P(MD) No.7819 of 2021, in which, this Court had set aside the order passed by the learned Judicial Magistrate No.I, Kulithalai, and also directed the learned Judicial Magistrate No.I, Kulithalai, to follow due procedure as per the Code of Criminal Procedure while entertaining the private complaints. Accordingly, the first Respondent / Defacto Complainant had approached the Judicial Magistrate No.I, Kulithalai, Karur District, and following due procedures, the statements of the witnesses and documents were furnished, based on which, the learned Judicial Magistrate No.I, Kulithalai, had taken complaint on file and numbered it as a C.C.No.12 of 2021.

4. While so, the second petition was filed by the accused in Crl.O.P(MD) No.14549 of 2022, in which, the Defacto Complainant is the first Respondent and the Inspector of Police, Lalapettai Police Station, Kulithalai, Karur District, is the second Respondent. This Court by order dated 11.10.2022, without hearing the first Respondent and after hearing the submission of the learned Counsel for the Petitioner / Accused and the learned Additional Public Prosecutor, allowed the petition in Crl.O.P(MD) No.14549 of 2022. Thereby, quashed the complaint filed by the first Respondent in Crl.O.P(MD) No.14549 of 2022, observing that the notice sent to the first Respondent / Defacto Complainant, which was returned unserved with an endorsement that "Left without instructions. Return to Sender".

5. Aggrieved by the same, the learned Counsel for the first Respondent / Defacto Complainant before the learned Judicial Magistrate No.I, Kulithalai, had mentioned it and on his mentioning, the case was posted today "For Being Mentioned" and submitted the same.

6. The learned Counsel appearing for the first Respondent / Defacto Complainant before the learned Judicial Magistrate No.I, Kulithalai, is directed to file Criminal Miscellaneous Petition before this Court to set aside the order in Criminal Original Petition No.14549 of 2022 dated 11.10.2022. "

Sd/-

Assistant Registrar ()

// True Copy //

/12/2022

Sub Assistant Registrar(CS)



TO

1. The Judicial Magistrate No.I, Kulithalai.
2. The Inspector of Police,
Lalapettai Police Station, Kulithalai Taluk,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 22/11/2022

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ORDER
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CRL OP(MD). No.14549 of 2022

Giving direction and etc.
as stated within.

AMS (01.12.2022) 3P 5C