



CrI.O.P.No.29693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.29693 of 2022

M/s.Monotech Systems Limited,
Exotica #24, Venkata Narayana Road,
T.Nagar, Chennai 600017
Rep by its Sr.Accounts Executive,
Mr.N.Srinivasan

...Petitioners

vs.

1.M/s.Shree Graphics,
No.150-M, R.K.Complex,
P.R.Srinivasa Rao Street,
Dharmapuri: 636 701, Tamil Nadu,
Rep by its Managing Partner, Mr.Velu

2.Velu.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 18.08.2022 passed by the learned XIII Small Causes Judge, Chennai in STC.No.785 of 2021 and to restore the complaint to the file of the XIII Small Causes Judge, Chennai.



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For Petitioners : Mr.M.Fazulul Haq
for Ms.Juris and Justia
For Respondents : No appearance

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in STC.No.785 of 2021 dated 18.08.2022 dismissing the complaint for default.

2. Heard the learned counsel for the petitioner. The respondents have been served and their names have also been printed in the cause list. However, there is no representation on the side of the respondents either in person or through counsel.

3. It is seen from records that the original complaint was pending on the file of the XVII Metropolitan Magistrate Court, Saidapet in CC.No.6976 of 2017. During the pendency of the complaint, the respondents/accused were appearing before the Court below and it is apparent from the proceedings recorded in the daily status of the case that has been filed in the typed set of papers. In fact, the case was at the stage of trial till the year 2020. Thereafter, the case was transferred to the file of XIII Court of Small Causes, Chennai and re-numbered as STC.No.785 of 2021. The Court below did not take note of the fact



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that the accused persons have already entered appearance in the complaint. The complaint itself came to be dismissed on the ground that the petitioner/complainant did not take steps to serve notice to the accused. The ground, on which the complaint is dismissed, is illegal on the face of it and requires the interference of this Court.

4. Even though only criminal revision petition is maintainable against the dismissal of complaint, under Section 204(4) of CrPC, in an appropriate case, this Court can also exercise its jurisdiction under Section 482 of CrPC. Useful reference can be made in this regard to the judgement of the Apex Court in ***Prabhu Chawla vs. State of Rajasthan and another*** reported in **2016 (16) SCC 30**.

5. In the light of the above discussion, this Court has no hesitation to interfere with the order passed by the Court below. Accordingly, the order passed by the Court below in STC.No.785 of 2022 dated 18.08.2022 is hereby set aside and the complaint is restored back to file. The Court below is directed to proceed further in the complaint in accordance with law and the same shall be completed within a period of three months from the date of receipt of copy of this order.



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N. ANAND VENKATESH, J.

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6. This criminal original petition is allowed in above terms.

08.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

The XIII Small Causes Judge, Chennai.

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