



Crl.O.P.(MD)No.17610 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2023**

CORAM:

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

Crl.O.P.(MD) No.17610 of 2022

and

Crl.M.P(MD)No.11951 of 2022

1.S.Venkatesh

2.Mariammal

3.Dhanushkodi Durai

4.Vijayalakshmi

... Petitioners /Accused No.1 to 4

Vs.

The Inspector of Police,
All Women Police Station,
Valliyur,
Tirunelveli District.
(Crime No.1 of 2018)

...Respondent



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PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the order passed by the learned Judicial Magistrate, Valliyur, Tirunelveli District, in Cr.M.P.No.3673 of 2022 in C.C.No.15 of 2020, dated 26.08.2022 and set aside the same as illegal.

For Petitioners : Mr.C.Aravinthan

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the order passed by the learned Judicial Magistrate, Valliyur, Tirunelveli District, in Cr.M.P.No.3673 of 2022 in C.C.No.15 of 2020, dated 26.08.2022 and set aside the same as illegal.



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2. The petitioners are the accused in C.C.No.15 of 2020 for the offences under Section 498(A) and 406 IPC before the trial Court. During the pendency of the trial process, he filed an application in Cr.M.P.No.3673 of 2022 in C.C.No.15 of 2020 seeking for production of a document namely, a complaint given by the defacto-complainant on 12.08.2017 on the file of the All Women Police Station, Valliyur. The above said application came to be dismissed by the learned Judicial Magistrate, Vallioor, stating that no proper particulars are mentioned in the petition. Aggrieved by the same, the petitioner has filed this Criminal Original Petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. The learned Government Advocate (Crl. side), on instructions, submits that the earlier complaint, dated 12.08.2017 was enquired in C.S.R.No.171 of 2017 and at that time, there was an



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understanding between the parties. The first petitioner appears to have given an undertaking that he will return the jewels within three months.

5. But the learned counsel for the petitioner submits that in the earlier complaint, no allegations are made against the in-laws. Only for the purpose of making the above said issue brought on record, he filed the aforesaid application.

6. Since the aforesaid complaint is very well available on the file of the respondent Police, the above said documents also be produced by the respondent police for completing the process of trial. Hence, the order passed in Cr.M.P.No.3673 of 2022 in C.C.No. 15 of 2020, dated 26.08.2022 is liable to be set aside.

7. Accordingly, this Criminal Original Petition is allowed. The order, dated 26.08.2022 passed in Cr.M.P.No.3673 of



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2022 in C.C.No.15 of 2020 on the file of the Judicial Magistrate Court, Valliyur, Tirunelveli District, is hereby set aside. Consequently, connected miscellaneous petition is closed.

05.10.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

RM

To

- 1.The Inspector of Police,
All Women Police Station,
Valliyur,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

RM

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