



Crl.O.P.(MD) No.15559 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.15559 of 2023

Hari Kumaran Thambi

...Petitioner / Complainant

Vs.

1.Preman @ Premadoss

2.Nirmala

...Respondents / Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order dated 16.03.2023 passed in un-numbered Crl.M.P. No. of 2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

For Petitioner :Mr.R.Ilayaraja

ORDER

This criminal original petition has been filed to set aside the order dated 16.03.2023 passed in un-numbered Crl.M.P. No. of 2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.



Crl.O.P.(MD) No.15559 of 2023

WEB COPY

2.The complaint is lodged on the ground of malicious prosecution initiated by the respondent against the petitioner. The grievance of the petitioner is that without considering the above ground it was returned on the Administrative side, making some observations.

3.Returning the above complaint on the Administrative side may not be proper. Opportunity must be given to the petitioner as to the maintainability of the petition. Without giving opportunity to make submissions with regard to the maintainability of the complaint, on the Administrative Side, it was returned.

4.On that ground, without going into other aspects, the order dated 16.03.2023 passed in un-numbered Crl.M.P. No. of 2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, is hereby set aside. There shall be a direction to the learned Judicial Magistrate No.I, Kuzhithurai, to entertain the complaint on its judicial side, hear on the question of maintainability and pass judicial order. For that purpose, the original complaint is ordered to be returned to the petitioner, by replacing the same with proper



Crl.O.P.(MD) No.15559 of 2023

certified copy, for representing the same before the Court below.

5.With the above said directions, this criminal original petition stands disposed of.

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

04.10.2023

TM

To

- 1.The Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

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