



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.M.P.(MD).No.13446 of 2022
in

Crl.R.C(MD).No.SR38357 of 2022

D.BABY RANI

... PETITIONER/PETITIONER

Vs

1 JUSTIN SEMRAJ

2 MR.KELVIN

3 SEEBA

4 THE INSPECTOR OF POLICE
DCB NAGERCOIL,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

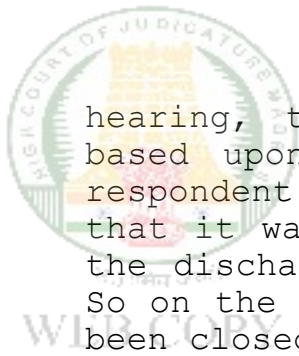
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the delay of 125 days in filing the Criminal Revision Petition Crl MP No.7192/2021 dt.01.04.2022 on the file of the Learned Judicial Magistrate No.II Kuzhithurai and thus render justice.

Prayer in Crl.R.C(MD).No.SR38357 of 2022:

To call for the records in Crl MP(MD)No.7192 of 2021 dated 10.04.2022 order passed by the Learned Judicial Magistrate No.II, Kuzhithurai and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PANDI DORAI J, Advocate for the petitioner and of M/S.R.SURESH KUMAR, Government Advocate(Crl.side) on behalf of the Respondent No.4 and M/S.R.T.RAMESH RAJA, Advocate for the Respondents 2 & 3, the court made the following order:-

Even though the petition has been filed to condone the delay of 125 days in filing the criminal revision petition against the order of the trial Court, at the time of



hearing, the learned Additional Public Prosecutor submit at based upon the above said order, enquiry was undertaken by the respondent police and during the course of enquiry, it was found that it was a money transaction issue between the parties. Towards the discharge of the above said liability, cheque was also issued. So on the basis of the above said finding, the complaint itself has been closed.

2.The counsel for the respondents 2 and 3 also present.

3.Reading of the order that was passed by the trial Court shows that in respect of the very same cause of action a case in S.T.C.No.634 of 2020 is also pending before the trial Court. Considering the fact that in respect of the very same cause of action two cases namely S.T.C.No.634 and 643 of 2020 are pending. The parties were directed to workout their remedy in the pending matter itself. By the order, dated 16.11.2021, the above said complaint was forwarded to the respondent namely the Inspector of Police, District Crime Branch, Nagercoil, for enquiry. In pursuance of the above said order, enquiry was undertaken by the respondent and by observing the above finding that two cases are pending between the parties in respect of the very same cause of action, it was closed. It is also further seen that in respect of the very same complaint, Crl.M.P.No.2794 of 2019 was also filed before the concerned Court and enquiry was undertaken and report was also submitted on 04.10.2019. Reading of the report shows that on more than one occasion a similar complaint has been filed by the petitioner and the above said complaints were closed. Repeated complaints will amount to abuse of process of the Court. I find absolutely, no reason to condone the delay. The petitioner has to workout his remedy in the pending matters.

4.Accordingly, this criminal miscellaneous petition is **dismissed**.

sd/-
19/01/2023

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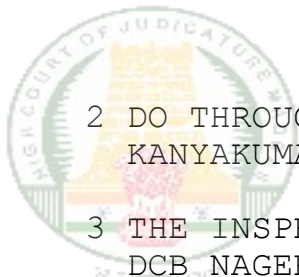
/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3 THE INSPECTOR OF POLICE
DCB NAGERCOIL,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.P.T.RAMESH RAJA, Advocate SR-2797

ORDER
IN
Crl.M.P. (MD).No.13446 of 2022
in
Crl.R.C (MD).No.SR38357 of 2022
Date :19/01/2023

RK/VR/SAR-3 (31/01/2023) 3P/6C