



CrI.O.P.(MD) No.19705 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.19705 of 2022

A.S.Bhuvaneswaran

... Petitioner

Vs.

1.The Sub Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Tenkasi-627 857.
(In Crime No.397 of 2020)

2.Muthukumar

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to show cause notice DN.2568 of 2022, dated 15.09.2022, issued by the learned Judicial Magistrate, Tenkasi in STC No. 727/2021, on his file and quash the same.

For Petitioner : Mr.R.Alagumani

**For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking to quash the impugned Show Cause Notice bearing DN.2568 of 2022, dated 15.09.2022, issued by the learned Judicial Magistrate, Tenkasi, in STC No. 727/2021.

2. According to learned counsel for the petitioner, on a complaint given by the petitioner, the respondent Police have registered a case in Crime Nos.331 and 337 of 2020 and the respondent Police have conducted an enquiry and filed a final report as “Mistake of Fact”. Aggrieved by the same, the petitioner has filed protest petition through Mr.Maria Madhanraj, Advocate, however, the said Advocate has disowned his signature on the protest petition, thereby, the learned Magistrate has issued impugned show cause notice seeking the explanation of the petitioner.

3. Learned counsel for the petitioner submits that though the protest petition is stated to have been filed by Mr.Maria Madhanraj, the signature on the protest petition does not belong to Mr.Maria Madhanraj, Advocate, but, belonging



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to one of his junior colleagues of Mr.Maria Madhanraj. The petitioner should have submitted this explanation along with an affidavit of the junior colleague, who has signed on the protest petition, before the trial Court which has issued impugned show cause notice.

4. Accordingly, this Criminal Original Petition is disposed of, directing the petitioner to submit his explanation to the learned Judicial Magistrate giving the details as to who has signed on the protest petition along with an affidavit of the Advocate, who signed it, within two weeks from the date of receipt of a copy of this order. On filing of such explanation, the learned Judicial Magistrate, Tenkasi, is directed to consider the same and dispose of the proceedings in respect of the impugned show cause notice as per law.

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

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DR.D.NAGARJUN. J.

tsg

To

- 1.The Judicial Magistrate, Tenkasi.
- 2.The Sub Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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