



Crl.O.P.(MD).No.22654 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.22654 of 2023

Akshaal

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Dindigul.

2.M.Ponner

3.P.Franciska

4.M.Kullammal

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the return order dated 7.12.2022 in unnumbered Crl.MP.Sr.No.8153 of 2022 and further direct the Honble Judicial Magistrate II, Dindigul, to number the unnumbered Crl.MP.Sr.No.8153/2022 and proceed the same in accordance with law U/s.156(3) Cr.P.C.,

For Petitioner

: M/s.Jeena Rita David

for M/s.Polax Legal Solutions

For R1

: Mr.R.M.Anbunithi

Additional Public Prosecutor



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ORDER

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This petition has been filed to set aside the return order dated 7.12.2022 in unnumbered Crl.MP.Sr.No.8153 of 2022 and further direct the learned Judicial Magistrate-II, Dindigul, to number the unnumbered Crl.MP.Sr.No.8153 of 2022 and proceed the same in accordance with law U/s.156(3) Cr.P.C.,

2. Expressing the grievances over the return order dated 7.12.2022 in unnumbered Crl.MP.Sr.No.8153 of 2022, filed for a direction under Section 156(3) of Cr.P.C., this petition is filed.

3. Originally, a complaint was presented by the petitioner on 18.07.2022. It was returned by finding some defects. Again, the complaint was represented by the petitioner. Again, it was returned by the order dated 07.12.2022. The return order of the learned Judicial Magistrate-II, Dindigul, is as follows:-

“As per the direction laid down by the Hon'ble Apex Court in Priyankan's case and direction laid down by the Hon'ble High Court of Madras in D.Ramesh Vs. V.Vijaykumar under Section 154(1) of



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Cr.P.C., not complied. Hence, the petition is returned.”

4. Without entertaining the application on the judicial side, repeatedly returning the same on the administrative side, is not proper.

5. Let the proper resubmission be made by the petitioner with regard to the above query. Let the trial Court consider the maintainability on the judicial side.

6. With the above said direction to the petitioner as well as the trial Court, this Criminal Original Petition is allowed.

19.12.2023

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



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G.ILANGOVA,N,J.

dss

To

- 1.The Inspector of Police,
District Crime Branch,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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