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Crl.O.P.No.3672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.3672 of 2024

Pechiammal

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.540 of 2023)

2.Jaisankar

3.Murugan Nadar

4.Maikelsamy

5.Varatharaj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
prayed to set aside the returned docket order made in unnumbered
Crl.M.P.SR.No.559 of 2024 dated 05.02.2024 on the file of the learned
Judicial Magistrate No.1, Udumalpet.

For Petitioner : Mr. S. Sathishkumar

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed questioning the docket order made in an unnumbered C.M.P.Sr.No.559 of 2024 by the learned Judicial Magistrate No.I, Udumalpet.

2.C.M.P.Sr.No.559 of 2024 had been filed by the defacto complainant in FIR in Crime No.540 of 2023. The FIR in Crime No.540 of 2023 had been registered under Sections 406 & 420 of IPC. A1 had filed Crl.O.P.No.690 of 2024 before this Court seeking bail and by an order dated 24.01.2024 bail had been granted and among other conditions, the following was one of the condition in para 6(c), “the petitioner must deposit the original title deeds particularly, Doc.Nos.1377/2012, 1151/2006 and 9861/2010, the original death certificate of the husband of the defacto complainant by name Prasanth, the original legal heirship certificate and original Aadhaar Card to the credit of Crime No.540 of 2023 before the concerned Magistrate”.

3.A reading of the entire order shows that the accused had obtained the original documents relating to title deeds of the properties from the



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defacto complainant. It was under those circumstances that this Court had directed that the title deeds should be deposited in the Magistrate Court in the hope and trust that the learned Magistrate would, on application filed by the defacto complainant hand over it to the defacto complianant. The learned Magistrate, had however, returned the application so filed by the defacto complainant as 'not maintainable'. The said order is set aside.

4.The learned Magistrate No.I, Udumalpet, is directed to take on record C.M.P.Sr.No.559 of 2024 and examine the credentials of the defacto complainant so far as his identity and other aspects are concerned and pass appropriate orders in accordance with the directions of this Court.

5.With the above observations this Criminal Original Petition stands allowed.

6.The Registry may return the original application of C.M.P.Sr.No.559 of 2023 filed along with this petition after obtaining a copy attested as true copy from the petitioner and replace that with the original on memo being filed by the learned counsel.

05.03.2024

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C.V.KARTHIKEYAN, J.

smv

To

- 1.The Judicial Magistrate – I, Udumalpet.
2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.

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05.03.2024