



Crl.OP.No.5594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5594 of 2024

and

Crl.M.P.Nos.4083 & 4085 of 2024

1. Kumar,
S/o.Radhakrishnan

2. Sridevi,
W/o.Rajkumar

3. Valli,
W/o.Kumar

4. Roopasri,
D/o.Sathishkumar

5. Sarala,
W/o.Kuttiyappan

... Petitioners

Vs.

1. State rep. by
The Inspector of Police,
Madhavaram Milk Colony Police Station,
Chennai.
(Crime No.563 of 2023)

2. Divyabharathi,
D/o.Karthick

... Respondents



Crl.OP.No.5594 of 2024

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of Final report in C.C.No.292 of 2023 pending on the file of the Learned Judicial Magistrate, Madhavaram and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Mohamed Yasin

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.292 of 2023 pending on the file of the learned Judicial Magistrate, Madhavaram.

2. Heard Mr.M.Mohamed Yasin, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. This petition itself was filed mainly on the ground that summon has been issued to the petitioners even without passing cognizance order. In the light of the above submission made by learned counsel for petitioners, this Court called for a report from the learned Judicial



CrI.OP.No.5594 of 2024

Magistrate, Madhavaram. Accordingly, a report has been received and it is seen that the cognizance order has been passed by the District Munsif cum Judicial Magistrate, Madhavaram on 01.12.2023 and only thereafter, summon has been issued to the accused persons.

4. In the light of the above report received from the learned Judicial Magistrate, Madhavaram, the ground that has been taken by the petitioners is liable to be rejected.

5. Learned counsel for petitioners submitted that there are other grounds that are available to the petitioners and unfortunately, the same have not been raised in this petition on the presumption that the summon was issued without passing a cognizance order.

6. In the light of the above submission, liberty is granted to the petitioners to raise all the grounds by filing a fresh quash petition.

N.ANAND VENKATESH, J.



Crl.OP.No.5594 of 2024

gm

WEB COPY

Accordingly, this Criminal Original Petition is closed.

Consequently, connected miscellaneous petitions are closed.

25.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

1. The Inspector of Police,
Madhavaram Milk Colony Police Station, Chennai.
(Crime No.563 of 2023)
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5594 of 2024