



Crl.O.P.(MD)No.1170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.1170 of 2023

S.Vasantha

... Petitioner

Vs.

1. Bengan
Sub Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

2. Rajiv
Deputy Superintendent of Police,
Sathankulam, Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the returned docket order dated 11.11.2022 in filing no. Nil on the file of the learned Judicial Magistrate, Sathankulam and allow this criminal Original Petition and consequently direct the learned Judicial Magistrate Court, Sathankulam to number the petitioner's complaint presented on 09.05.2022 filing No.Nil and proceed in accordance with law.

For Petitioner : Mr.S.Sivakumar



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complainant, pass orders on merits and in accordance with law, within a period of six months, from the date of receipt of a copy of this order.”

3.The grievance of the petitioner is that in spite of the above direction given by this Court, the learned Magistrate once again returned the complaint for the very same reason that was assigned earlier on the ground that the petitioner has not complied with the previous return. Aggrieved by the same, the present petition has been filed before this Court.

4.In the considered view of this Court, the Court below was bound by the order passed in Crl.O.P. (MD) No.13307 of 2022, dated 25.07.2022. This Court had specifically directed the learned Judicial Magistrate, Sathankulam, to take cognizance of the complaint by examining the complainant and witnesses produced and pass necessary orders. When such direction is given, the Court below must have complied with those directions and instead, the complaint has once again been returned.



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5.In the light of the above discussion, the docket order dated 11.11.2022 is hereby set aside. There shall be a direction to the Court below to strictly comply with the earlier order passed by this court in Crl.O.P. (MD) No.13307 of 2022, dated 25.07.2022. The Court below shall proceed further to undertake the process of taking cognizance by examining the complainant and witnesses, if any, and take a decision to either reject the complaint or to issue process to the accused persons. This process shall be completed by the Court below within a period of four weeks from the date of receipt of a copy of this order.

6.In the result, this Criminal Original Petition is allowed with the above direction.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

Note: Registry is directed to return back the original complaint to the counsel for the petitioner in order to enable the petitioner to represent the complaint before the Court below.



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1. Learned Judicial Magistrate Court, Sathankulam.
2. Bensen
Sub Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
3. Rajiv
Deputy Superintendent of Police,
Sathankulam, Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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