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Crl.O.P.(MD)No.6652 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD)No.6652 of 2022
and Crl.M.P(MD).No.4592 and 11790 of 2022

Ravi @ Ponpandi

... Petitioner

Vs.

S.Jothiraja

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned summon issued in Crl.Rev.Petn.No.6/2022 dated 11.03.2022 on the file of the learned Principal Sessions Judge, Thoothukudi and quash the same as against the petitioner.

For petitioner : Mr.C.Jeganathan

For Respondent : Mr.L.Shaji Chellan

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned summon issued in



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Crl.Rev.Petn.No.6/2022 dated 11.03.2022 on the file of the learned Principal Sessions Judge, Thoothukudi and quash the same as against the petitioner.

2. The case of the prosecution is that the respondent has filed a private complaint under Section 200 Cr.P.C before the learned Judicial Magistrate No.II, Thoothukudi, against the petitioner and others in Crl.M.P.No.5836 of 2021 and the same was dismissed on 18.02.2022, against which, the respondent preferred a revision petition before the learned Principal Sessions Judge, Thoothukudi in Criminal Revision No.6 of 2022. The learned Appellate Judge admitted the Revision Petition and issued summons to the petitioner and others. Aggrieved by the same, the present Petition has been filed.

3. The learned counsel appearing for the petitioner submits that the learned Principal Sessions Judge, Thoothukudi, without application of mind, has issued summons to the petitioner and others which is against the law and in case where the complaint is dismissed, notice in revision against the said order to the accused is not mandatory and the notice is required only if the concerned person is discharged after summoning.



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4. Per contra, the learned counsel appearing for the respondent would submit that as against the dismissal of the complaint given by the respondent, the respondent has preferred the Revision Petition before the learned Principal Sessions Judge, Thoothukudi and the Appellate Court, while admitting the revision, has issued summons to the petitioner which need not be interfered with by this Court,.

5. It appears that the respondent/complainant has filed a private complaint before the learned Judicial Magistrate No.2, Thoothukudi, against the petitioner and others under Section 200 Cr.P.C and it was dismissed on 18.02.2022, against which, the respondent/complainant has filed the Revision Petition before the learned Principal Sessions Judge, Thoothukudi in Criminal Revision No.6 of 2022 and the Appellate Court, while admitting the revision, has issued summons to the petitioner and others which cannot be interfered by this Court, since it is a procedure that while admitting the case, notice has to be issued to the opposite parties. If at all the petitioner is having any grievance, he has to participate in the proceeding pending before the Appellate Court, instead, he has filed this Criminal Original Petition seeking to quash the impugned summon dated 11.03.2022 which is not sustainable one.



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However, liberty is granted to the petitioner to participate in the proceeding pending before the Principal Sessions Court, Thoothukudi.

6. Accordingly, this Criminal Original Petition is dismissed.

Connected miscellaneous petitions are closed.

07.03.2024

Index : Yes/No
Internet : Yes/No
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To

The learned Principal Sessions Judge, Thoothukudi.



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M.DHANDAPANI. J.

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