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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.6317 of 2021
and
Crl.M.P(MD)Nos.3625 and 3626 of 2021

1. Jothi Manalan

2. Arokiasamy

... Petitioners

Vs

I.J.Arockiaraj

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to Call for the records in C.C no. 43 of 2021 on the file of the Learned Additional District Munsif Cum Judicial Magistrate at Manamadurai and quash the same.

For Petitioner : Mr.Mohan Kumar.S,

For Respondent :Mr.K.Rajeswaran



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ORDER

This petition has been filed to quash the proceedings in C.C.No. 43 of 2021 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai.

2.Initially, this quash petition was allowed by an order, dated 01.06.2023 and the proceedings were quashed. Thereafter, an application came to be filed to recall the order passed on 01.06.2023 on the ground that the respondent/complainant was not heard before passing the final order. Considering the same, an order was passed on 22.02.2024 and the criminal original petition was restored on file. Thereafter, the matter is listed for final hearing today.

3.When the matter was taken up for hearing today, the learned Counsel appearing for the respondent brought to the notice of this Court that the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.8 of 2022 has passed an order whereby the order of the learned Judicial Magistrate, Manamadurai, dated 09.04.2021 was interfered and the learned



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Sessions Judge has directed cognizance to be taken for offence under Sections 294(b) and 506(ii) of IPC. That apart, there is a further direction to take cognizance not only as against six persons against whom original order was passed, but also three more persons against whom, the court below did not take cognizance.

4. In the light of the above development, the petition in its present form cannot be dealt with. If the petitioners are aggrieved by the order passed in Cr.M.P.No.8 of 2022, dated 09.03.2023, they have to challenge the same in the manner known to law.

5. The learned Counsel appearing for the respondent further submitted that pursuant to the earlier order passed on 01.06.2023, the learned Judicial Magistrate has closed the calender case.

6. Since the earlier order passed in the quash petition has already been recalled by an order, dated 22.02.2024, the calender case has to be restored back to file by the learned Judicial Magistrate, Manamadurai.



7. With the above direction, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

13.11.2024

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR

To
1. The Judicial Magistrate,
Manamadurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

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