



Crl.O.P.(MD)No.9723 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.9723 of 2023

and

Crl.M.P.(MD) No.7802 of 2023

1.Nagajothi
2.Kirubanadhini
3.Sivakumar

... Petitioners/
Accused Nos.2 to 4

Vs.

1.State through the
The Inspector of Police,
AWPS Dindigul Police Station,
Dindigul District.
(In Crime No.20 of 2022)

... 1st Respondent/Complainant

2.Mekalai

... 2nd Respondent/
defacto complainant

3.Kishore Kumar
(R3 is *suo motu* impleaded
as per order of the Court dated
15.11.2023 n Crl.O.P.(MD) No.
9723 of 2023)

... 3rd respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet filed in C.C.No.1017 of 2022 on the file of the Additional Mahila Court, Dindigul and quash the same as illegal as against the



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petitioner concerned.

For Petitioner : Mr.S.A.Ajmal Khan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1
Ms.N.Viji for R2

ORDER

This petition has been filed seeking to quash the proceedings pending in C.C.No.1017 of 2022, on the file of the Additional Mahila Court, Dindigul.

2.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

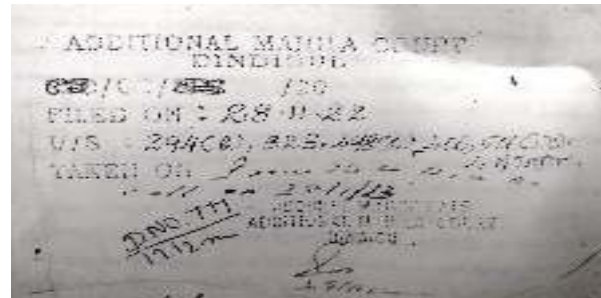
3.The second respondent has filed the complaint on the ground that she was treated with cruelty by her husband and in-laws. There are totally four accused persons in this case and the petitioners are A2 to A4.

4.It is not necessary for this Court to go into any of the



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issues in view of the fact that the Court below has taken rubber stamp cognizance. For proper appreciation, the cognizance taken by the Court below is scanned and extracted hereunder:



5.This Court by relying upon the judgment of the Apex Court has repeatedly held that the process of taking cognizance is a judicial process which requires application of mind. A rubber stamp cognizance is no cognizance in the eye of law since what is being done is to put the seal in the complaint and fill-up the gaps. Such rubber stamp cognizance has been frowned upon by this Court. Useful reference can be made to the judgment of this Court in *Shanmugam and others v. Inspector of Police, Ariyalur Police Station, Ariyalur and others*, reported in (2019) 3 MLJ (Crl.) 339. The Apex Court also dealt with this issue in *S.K.Sinha, Chief Enforcement Officer v. Videocon International Ltd & Ors.*, reported in (2008) 1 SCC (Crl.) 471.



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6.In view of the above, the rubber stamp cognizance taken by the Court below is hereby set aside. The matter is remitted back to the file of the Additional Mahila Court, Dindigul and the learned Judicial Magistrate shall apply his mind on the allegations made in the complaint and the materials relied upon and pass appropriate orders which must reflect the application of mind. This process shall be complied within a period of four weeks from the date of receipt of a copy of this order.

7.In the result, this Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

18.12.2024

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



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To



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- 1.The Additional Mahila Court, Dindigul.
- 2.The Inspector of Police,
AWPS Dindigul Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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Dated: 18.12.2024