



Crl.O.P.(MD)No.15312 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.15312 of 2021

and

Crl.M.P.(MD)No.8219 of 2021

S.Karthick

... Petitioner/A1

vs.

T.Praveen Kumar

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.No.510 of 2021 pending on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondent : Ms.P.Pandi Rani

ORDER

This petition has been filed to quash the proceedings in C.C.No.510 of 2021 pending on the file of the learned Judicial Magistrate No.II, Madurai.



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2. The respondent has given a private complaint against the petitioner on the ground that on 20.06.2020 at about 6 p.m., the complainant and his father had gone to the house of one Kayalvizhi, who is the elder sister of the complainant, since there was some matrimonial dispute in the family. The said case ended up in the police station. When the respondent and his parents came to the police station, the petitioner is said to have abused them in filthy language and he, along with two other police men, had beaten them with iron rod and lathi. They were also kept inside the police station and left out only on the next day. It is under these circumstances, the private complaint came to be given by the respondent.

3. The private complaint was filed for the offence under Sections 342, 294(b), 323, 324, 326 and 506(i) of IPC. There are totally three accused persons in this case and the petitioner has been arrayed as A1. The other two accused persons are the constables, who are working in the same police station.

4. When the matter came up for hearing on 07.11.2024, this Court advised both the parties to reach an amicable settlement in this case, since proceeding further with this case will only aggravate the situation.



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5. When the matter was taken up for hearing today, the learned counsel appearing on either side submitted that in spite of best efforts, the respondent was not inclined to come for a compromise. In the light of this submission made, this Court decided to take up the case and deal with the same on merits.

6. In the considered view of this Court, it is not necessary for this Court to go into the various issues raised on the merits of the case. It is necessary to take note of the cognizance order passed by the learned Judicial Magistrate, which is scanned and extracted hereunder :

CC 510/21

PRC / CC / STC / MC

No: 510-21

C/S No:

C/S No:

Taken on file U/S 200 r/w 19(17 CC)

and posted to:

Issue Summons / Warrant

to / arrest

MC

JM [17

Madure



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7. It is quite clear from the above that the Court below has not even applied its mind when taking cognizance of the private complaint. The cognizance, at the best, is a Rubber Stamp Cognizance without any application of mind. Such non-application of mind gets even more profound, since the Court has taken cognizance under Section 200 read with Section 190(1)(c) of the Code of Criminal Procedure. Thus, it is clear that the Court below has not even taken cognizance of the private complaint for the commission of any offence. Hence, the proceedings are vitiated due to the above cognizance order passed by the Court below and therefore, the accused persons cannot be made to undergo the ordeal of a trial before the Court below.

8. In the light of the above discussion, the cognizance order passed by the Court below is hereby set aside. The Court below is directed to first apply its mind on the private complaint and see if any offence has been made out against the accused persons. If so, summons can be issued to the accused persons. If not, the private complaint is liable to be dismissed. Appropriate orders shall be passed in this regard by the Court below within a period of four weeks from the date of receipt of a copy of this order.



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9. In the result, this Criminal Original Petition is allowed, and the proceedings in C.C.No.510 of 2021 on the file of the learned Judicial Magistrate No.II, Madurai is quashed with the above direction. Consequently, connected Criminal Miscellaneous Petition is closed.

16.12.2024

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Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No

To

The learned Judicial Magistrate No.II,
Madurai.



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N. ANAND VENKATESH, J.

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