



CRL.OP(MD). No.16039 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.16039 of 2021

and

CRL.MP(MD). Nos. 8605 and 8607 of 2021

1.Asok Kumar

2.Palsamy

3.Karthi

4.Veerasekaran

5.Arjunan

6.Kaladevi

7.Velammal

8.Nagarani

... Petitioners / Accused 1 to 8

Vs.

1. The State,

Rep by the Inspector of Police,

B1 Town Police Station,

Ramanathapuram District.

(Crime No.361 of 2021)

... 1st Respondent / Complainant

2. Thangaraj

... 2nd Respondent /
De-facto Complainant



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C. No. 76 of 2021 on the file of the Judicial Magistrate No.1, Ramanathapuram and quash the same.

For Petitioner : Mr.C.Susi Kumar
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate
(Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings pending in C.C. No. 76 of 2021 on the file of the Judicial Magistrate No.1, Ramanathapuram.

2. The case of the prosecution is that the first petitioner's uncle's son one Nagendran and one Sinthupreethi developed a love affair and on 29.08.2012, they eloped from their home. The petitioners got an impression that the defacto complainant's son had helped in this process of elopement. In view of the same, there was a previous enmity and on 03.08.2012, the accused persons are said to have gone to the house of the



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2nd respondent and caused damage to the property. Thereafter, on 03.12.2012, the accused persons are said to have assaulted the son of the defacto complainant and also snatched a gold chain. Based on this complaint, an FIR came to be registered in Crime No. 361 of 2012. On completion of investigation, the police report has been filed before the Court below as against 8 accused persons and the Court below has taken cognizance for offence under Sections 147, 294(b), 323 and 506(i) of IPC and the case is pending in C.C. No. 76 of 2021. This proceedings has been put to challenge in the present petition.

3. Heard the learned Government Advocate appearing on behalf of the 1st respondent. It is brought to the notice of this Court that the 2nd respondent expired during the pendency of this petition.

4. It is not necessary for this Court to go into the merits of the case since the Court below has taken rubber stamp cognizance. There is absolutely no application of mind and by affixing the rubber stamp seal, the gaps have been filled up with the C.C. No. and the offence committed. This practice has been frowned upon by this Court in



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Shanmugam and others -vs- Inspector of Police, Ariyalur Police

Station and others reported in ***[(2019) 3 MLJ CrL. 339]***. Such rubber stamp cognizance cannot be construed as cognizance in the eye of law. The process of taking cognizance is a judicial act which requires application of mind and therefore, there must be a proper cognizance order passed reflecting application of mind.

5. In view of the above, the cognizance order passed by the Court below is hereby set aside. There shall be a direction to the Court below to properly apply its mind on the materials furnished along with the final report and pass appropriate orders within a period of 4 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 directions.

21.11.2024

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

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WEB COPY To

1. The Judicial Magistrate No.1,
Ramanathapuram.
2. The Inspector of Police,
B1 Town Police Station.
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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N.ANAND VENKATESH,J.

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Order made in
CRL.OP(MD). No. 16039 of 2021

21.11.2024