



Crl.O.P.(MD)No.19576 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.19576 of 2021

and

Crl.M.P.(MD) No.10932 of 2021

M.Saravana Sundaram

... Petitioner

Vs.

1.Chikkander Basha

2.M.Chandira Nivas

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating the impugned Private Complaint in C.C.No.113 of 2018 on the file of the Judicial Magistrate No.I, Madurai and quash the same as illegal in so far as the Petitioner herein is concerned.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.D.Kirubakaran for R1
No appearance for R2

ORDER

This petition has been filed seeking to quash the proceedings pending in C.C.No. 113 of 2018 pending on the file of the learned Judicial Magistrate No.I, Madurai.



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2.Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent.

3.The first respondent gave a complaint to the police stating that the second respondent had divulged the trade secrets and had caused criminal breach of trust and when the same was questioned, the accused persons abused him in filthy language and also threatened him with dire consequences.

4.The private complaint was filed with the above allegations for alleged offence under Sections 120(b), 294(b), 406, 420, 379 and 506(i) of IPC.

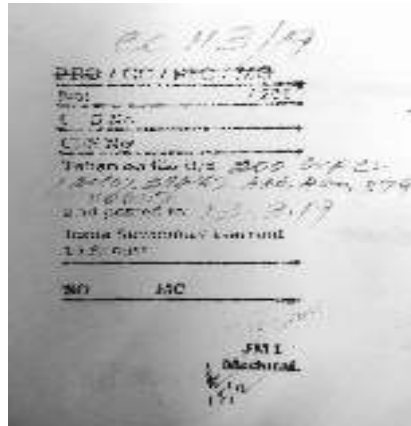
5.The counsel on either side made their submissions touching upon the merits of the case. It is not necessary for this Court to go into any of the issues in view of the fact that the Court below has taken rubber stamp cognizance. For proper appreciation, the cognizance taken by the Court below is scanned and extracted hereunder:



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6.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 (CrI.) 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 (CrI.) 471.



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7.In view of the above, the rubber stamp cognizance taken by the Court below dated 15.02.2019, is hereby set aside. The matter is remitted back to the file of the learned Judicial Magistrate No.1, Madurai 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.

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

09.12.2024

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



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To

The learned Judicial Magistrate No.1, Madurai.



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N.ANAND VENKATESH,J.

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