



Crl.O.P.(MD)No.18723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18723 of 2024

M.Indrani

... Petitioner

Vs.

1.The State through,
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
(Crime No.4 of 2022)

2.NaveenPrasath

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the diary order dated 21.09.2024 in Crl.M.P.No.791 of 2023 in C.C.No.2413 of 2022 on the file of the learned Additional Mahila Court (JM Level), Madurai and for a direction to the learned Additional Mahila Court (JM Level) Madurai not to insist for issuance of any notice in connection with the further investigation of the petition filed in Crl.M.P.No.791 of 2023 in C.C.No.2413 of 2022 to the second respondent/accused on the basis of the judgment dated 22.06.2022 made in Crl.O.P.No.15152 of 2020 passed by the High Court of Madras.



Crl.O.P.(MD)No.18723 of 2024

WEB COPY

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Criminal Original is directed against the docket order dated 21.09.2024 passed by the learned Magistrate in issuing notice to the accused in the petition filed for further investigation in Crl.M.P.No.791 of 2023 in C.C.No.2413 of 2022.

2. The learned counsel appearing for the petitioner would submit that the accused has no *locus standi* to say anything in the petition for further investigation filed by the prosecution or by the defacto complainant.

3. The learned Additional Public Prosecutor appearing for the first respondent would submit that there existed love affairs between the petitioner and the second respondent and that on the basis of the complaint given by the petitioner, FIR came to be registered and after investigation, charge sheet came to be filed for the offences under



Crl.O.P.(MD)No.18723 of 2024

WEB COPY

Sections 294(b), 354D and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and the case was taken on file in C.C.No.2413 of 2022 and is pending on the file of the Additional Mahila Court, Madurai.

4. As rightly pointed out by the learned Additional Public Prosecutor, no prejudice would be caused to the petitioner if notice is sent to the accused/second respondent.

5. The learned counsel appearing for the petitioner would submit that the learned Magistrate may be directed to conclude the enquiry and dispose of the petition in Crl.M.P.No.791 of 2023 within the time stipulated by this Court.

6. Considering the above, the learned Judicial Magistrate, Additional Mahila Court, Madurai is directed to issue notice to the second respondent with regard to the petition in Crl.M.P.No.791 of 2023 and the learned Judicial Magistrate, Additional Mahila Court, Madurai, is directed to proceed with the enquiry in Crl.M.P.No.791 of 2023 and



Crl.O.P.(MD)No.18723 of 2024

WEB COPY

conclude the same within a period of one month after the service of the notice on the second respondent.

7. With the above directions, this Criminal Original Petition stands disposed of.

29.10.2024

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

To

- 1.The Judicial Magistrate, Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.18723 of 2024



WEB COPY



Crl.O.P.(MD)No.18723 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.18723 of 2024

Dated: 29.10.2024