



Crl.O.P.(MD)No.2676 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.2676 of 2023

and

Crl.M.P.(MD) Nos.2434 and 2435 of 2023

1.Ramar

2.Manimala

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Tirumangalam,
Madurai District.
(Crime No.8 of 2022).

2. Vasanthapriya

.... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Complaint in C.C.No.890 of 2022 on the file of the Judicial Magistrate, Thirumangalam and quash the same as illegal as against the petitioners.

For Petitioner : Mr.KPS Ilangovelrajan

For Respondents : Mr.A.Albert James



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Government Advocate (Crl Side)
for R1
Mr.R.Sundar for R2

ORDER

This petition has been filed seeking to quash the proceedings pending in C.C.No.890 of 2022, on the file of the learned Judicial Magistrate, Thirumangalam.

2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

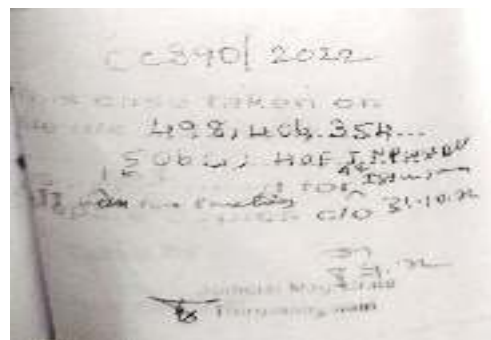
3.The case of the prosecution is that the second respondent married A1 on 13.06.2021. At the time of marriage, gold ornaments were presented by the parents of the second respondent. According to the second respondent, she was physically and mentally treated with cruelty and she was sexually harassed by A2. Based on the same, an FIR came to be registered and subsequently on completion of investigation, a police report was filed for offence under Section 498A,406, 506(i) and Section



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354 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002. There are totally four accused persons in this case and the petitioners have been arrayed as A2 and A3 and they are the father-in-law and sister-in-law of the defacto complainant.

4. Various ground were raised on either side. However, 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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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***.

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 learned Judicial Magistrate, Thirumangalam 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.



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7.In the result, this Criminal Original Petition is allowed in

the above terms. Consequently, connected miscellaneous petitions are closed.

18.12.2024

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

To

- 1.The Inspector of Police,
All Women Police Station,
Tirumangalam, Madurai District.
- 2.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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