



Crl.O.P.(MD) No.22614 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.22614 of 2024

M.Sait Mohammed

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Ayakudi Police Station,
Palani, Dindigul District.

2.S.K.S.Jinna

3.Muhammed Yasin

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to set aside the docket order passed in Crl.M.P.S.R.No.5042 of 2024 dated 04.11.2024 by the learned Judicial Magistrate, Palani, Dindigul District.

For Petitioner : Mr.M.Seeni Sulthan

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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2. The petitioner filed a petition before the learned Judicial Magistrate, Palani, on 27.08.2024, disclosing the cognizable offences committed by one S.K.S. Jinnah and Mohammed Yasin. The petitioner submitted the petition along with supporting documents. The learned Judicial Magistrate, Palani, received the same, initially recorded it, checked it, called it on, and fixed the date as 30.08.2024. The same process was repeated, and the case was finally called on 04.11.2024. On 04.11.2024, the petition was returned by the learned Judicial Magistrate stating “How the petition is maintainable, since the petition is of Civil nature”. Challenging the same, the present petition has been filed.

3. The contention of the petitioner is that, without examining the complaint and enquiring with the petitioner, the return of the petition by the learned Judicial Magistrate is curtailing the petitioner's right to seek relief in the manner known to law. This Court, without delving into the



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averments made in the complaint, finds that the return made by the learned Judicial Magistrate on the grounds that the petition is of a civil nature is improper. Hence, the return is set aside.

4. The learned Judicial Magistrate, Palani, is directed to receive the complaint, consider the same, record the statement of the petitioner along with supporting documents and thereafter, dispose the petitioner's complaint in the manner known to law.

5. With the above observations, this Criminal Original Petition is allowed.

20.12.2024

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

JEN

Note: Registry is directed to return the original papers filed along with this petition.

To:

1.The Judicial Magistrate,
Palani, Dindigul District.

2.The Inspector of Police,
Ayakudi Police Station,
Palani, Dindigul District.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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