



WEB COPY

Crl.RC.No.374 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.374 of 2025

V.Santhakrishnan

... Petitioner

Vs.

1.MadanSenthil

2.Seemasenthil

3.Vijayakumar

4.Nagaraj

5.The State

Represented by Inspector of Police,
Race Course Police Station,
Coimbatore

... Respondents

PRAYER: Criminal Revision Petition filed under Section 438 R/w.442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to call for the records relating to the order dated 05.12.2024 made in CMP.No.33669 of 2024 on the file of the learned Judicial Magistrate No.III, (FAC), Coimbatore and set aside the same.



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For Petitioner : Mr.R.Darshan
For R1 to R4 :Mr.S.Venugopalraj

For R5 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This criminal revision petition has been filed challenging the order passed by the Judicial Magistrate-III (FAC), Coimbatore in CMP.No.33669 of 2024 dated 05.12.2024, thereby dismissing the petition for non prosecution.

2.The petitioner lodged a complaint as against the accused. However, it was not considered and as such the petitioner was constrained to file a petition under section 156(3) of Cr.P.C., before the learned Magistrate. On 05.12.2024, the petitioner was absent and no one represented on his behalf and therefore, the Trial Court dismissed the complaint for non prosecution.

3.Heard the learned counsel for both sides and perused the materials available on record.



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4. This Court is of the considered opinion that in order to give one more opportunity to the petitioner, this Court is inclined to set aside the order dated the order dated 05.12.2024 passed in C.M.P.No.33669 of 2024 by the Judicial Magistrate-III (FAC), Coimbatore, is liable to be set aside.

5. In the result, this Criminal Revision Case stands allowed and the order dated 05.12.2024 passed in C.M.P.No.33669 of 2024 by the Judicial Magistrate-III (FAC), Coimbatore, is hereby set aside. The matter is remanded back to the trial Court and the trial Court is directed to pass orders on the petition on merits and in accordance with law. The petitioner is directed to co-operate before the trial Court.

12.08.2025

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G.K.ILANTHIRAIYAN, J.
mpa

To

1. Judicial Magistrate No.III, (FAC), Coimbatore.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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