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Crl.M.P.No.13944 of 2025
in Crl.R.C.No.198 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.13944 of 2025

in

Crl.R.C.No.198 of 2018

A.K.Mani

... Petitioner

Versus

1.The State represented by
The Inspector of Police,
T-15, SRMC Police Station,
Chennai – 600 116.

2.K.S.Gopalakrishnan

3.P.Girija

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 442 of BNSS, 2023 praying to direct the learned Judicial Magistrate No.I, Poonamallee to comply with the order passed in Crl.R.C.No.198 of 2018 dated 18.08.2021 to treat the protest petition filed in C.M.P.No.4551 of 2021 dated 05.12.2017 as a private complaint and the same may be disposed of in accordance with law.

For Petitioner : Mr.V.Rajasekar

For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

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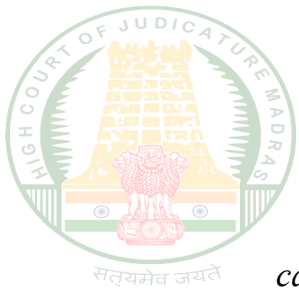
This Court, on 17.07.2025 and 10.09.2025 had passed the following orders:

“Proceedings dated 17.07.2025:

The petitioner has come up with this miscellaneous petition to comply with the order passed in Crl.R.C.No.198 of 2018 dated 18.08.2021.

2. *On perusal of the records, it can be seen that this petitioner filed the above Criminal Revision petition No.198 of 2018, to set aside the order passed in C.M.P. No.4557 of 2017 in RCS No.923 of 2017 by the learned Judicial Magistrate - I, Poonamallee dated 05.12.2017. By a judgment dated 18.08.2021 in the said Crl.R.C.No.198 of 2018, this Court found that there is a prima facie case of cheating and therefore, set aside the order passed in C.M.P.No.4557 of 2017 and directed the learned Judicial Magistrate to follow the procedure by treating the protest petition as a private complaint and dispose of the same in accordance with law.*

3. *Accordingly, the Trial Court ought to have numbered the protest petition as a C.C. and issued summons to the accused and proceeded with the matter in the manner known to law. However, it is submitted by the learned counsel for the petitioner that the entire*



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case bundle is missing in the Trial Court and they are still searching for it and they have not complied with the order of this Court till date.

4. On perusal of the typed set of papers filed before this Court, it can be seen that the case is primarily on documentary evidence and the concerned sale deeds and sale agreements, etc., are already filed before this Court. The copy of the FIR, earlier memo of compromise, Mediation Report, RCS notice issued by the police and the copy of the protest petition and the earlier order passed in C.M.P.No.4557 of 2017 are all filed. Therefore, the following directions are issued today.

(i). The Registry of the High Court shall take one photocopy of the entire set of papers that is filed by the petitioner and along with the final order that is passed in Crl.R.C. No.198 of 2018 and the present order that is passed today and forward the same in a sealed cover to the learned Judicial Magistrate - I, Poonamallee on or before 23.07.2025.

(ii). Upon receipt of the documents, the Trial Court shall immediately take further steps to re-create the bundle with these papers and proceed further in accordance with law.

(iii). Simultaneously, the Trial Court can follow the usual procedure in tracing out the old bundle that is said to have been missing or taking any disciplinary action against any person



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responsible, without prejudice to this exercise.

(iv). *The petitioner being 83 years old cannot be made to wait further and therefore, since all the majority of the papers are now forwarded by this Court, the same shall be treated as the bundle and this order shall be treated as an order to reconstruct the bundle and the Trial Court shall immediately reconstruct the bundle with the papers that are being forwarded from this Court.*

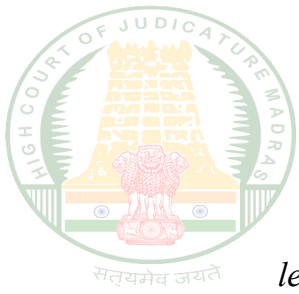
(v). *Additionally, if any other papers are available with the petitioner and also with the respondent police, they can also submit the photocopy of the same to the Trial Court and the Trial Court shall receive the same and further proceed in accordance with law.*

(vi) *The Registry after forwarding the photocopy of the records, shall also call for report regarding the reconstruction of the bundle and further steps taken in this regard from the learned Judicial Magistrate - I, Poonamallee on or before 30.07.2025.*

5.Call this matter on 30.07.2025.”

Proceedings dated 10.09.2025

Pursuant to the order passed by this Court on 17.07.2025, the learned Judicial Magistrate No.1, Poonamallee, in D.No.159/A/2025, dated 06.08.2025, had submitted the same to the



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learned Chief Judicial Magistrate, Thiruvallur, on 08.08.2025.

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Thereafter, the learned Chief Judicial Magistrate, by covering letter in D.No.1590/A/2025, dated 06.08.2025, had despatched the report, which was received by the Registry only on 19.08.2025.

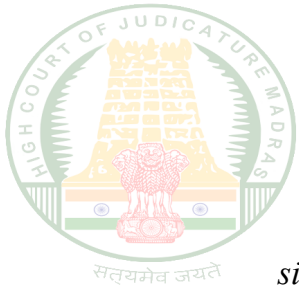
2. Today, when the case was listed, the learned counsel for the petitioner submitted that he had appeared before the Judicial Magistrate No.1, Poonamallee, to ascertain and verify the status of the case from the Court.

3. The learned Government Advocate (Crl.Side) submitted that the respondent police, namely the Inspector of Police, T-15, SRMC Police Station, Chennai, had submitted the case diary along with records.

4. It is seen that the petitioner unable to find out the details with regard to the developments that took place after 17.07.2025.

5. From the report of the Magistrate, it is seen that on 29.07.2025, a copy of the case diary, filed and received through Woman Police Constable Subashini, and reconstruction of case records in C.M.P.No.4557 of 2017 now completed and re-numbered as C.M.P.No.1553 of 2025. The case was thereafter posted on 06.08.2025.

6. The learned Government Advocate (Crl.Side) submitted a report dated 27.07.2025 confirming submission of the entire case diary records pursuant to the order passed by this Court. Thereafter,



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since neither the learned counsel for the petitioner nor the learned Government Advocate (Crl.Side) was able to give further details about the subsequent proceedings, this Court directs the learned Judicial Magistrate No.I, Poonamallee, to furnish a status report regarding the developments after 06.08.2025 directly to this Court with a copy through the Chief Judicial Magistrate, Tiruvallur.

7. It is further seen that the learned Judicial Magistrate after receiving all records from the respondent police on 27.07.2025 sent a report to the Chief Judicial Magistrate on 29.07.2025. It was received by the the learned Chief Judicial Magistrate only on 04.08.2025. Thereafter, with a covering letter and with the Magistrate's report forwarded. The delay in transmission and receipt of the report requires explanation.

8. Post the matter on 08.10.2025.”

2.In continuation and conjunction to the earlier orders passed by this Court on 17.07.2025 and 10.09.2025, a status report has been filed by the learned Judicial Magistrate No.I, Poonamallee, which reads as follows:



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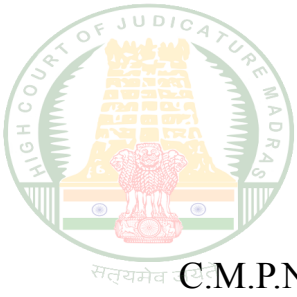
Status Report in CMP No. 1453/2025 submitted by Judicial Magistrate No.1
Poonamallee

I most humbly submit that on 29.07.2025 in compliance with the directions of Hon'ble High Court, Madras dated: 17.07.2025, after receiving the records from Hon'ble High court Madras and the copy of records from T15 SRMC Police Station through WPC 15748 Ms.Subashini towards reconstruction of RCS case records in CMP No. 4557 of 2017, I have taken the protest petition on file and assigned CMP No. 1453/2025 to the case. Issued Notice to the Petitioner/defacto Complainant and posted the said case on 06.08.2025. However on 06.08.2025 I had taken EL and the case came to be posted on 20.08.2025. on the said date the complainant did not appear before the court. Hence the court notice was ordered for further proceeding in the matter and the case was posted to effect service of notice by 11.09.2025. On 11.09.2025 the complainant has appeared and the sworn statement of the complainant is recorded. Thereafter the case is posted for vakalat of complainant and enquiry in the petition on 25.09.2025. The petitioner counsel was present on 25.09.2025 and the case is posted for enquiry on 07.10.2025.

I humbly oblige.

11.09.2025
Judicial Magistrate No.1
Poonamallee

3. In view of the above, the petitioner is directed to appear before the
Judicial Magistrate No.I, Poonamallee to pursue the protest petition in



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C.M.P.No.1453 of 2025. The learned Judicial Magistrate No.I, Poonamallee

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to give sufficient opportunity to hear the petitioner and receive the materials submitted by both the petitioner as well as respondents and thereafter to pass orders without further delay considering that the case is of the year 2014 and the protest petition arises out of Crime No.1055 of 2014.

4. With the above direction, the Criminal Miscellaneous Petition is disposed of.

08.10.2025

Index : Yes / No

Neutral citation : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Inspector of Police,
T-15, SRMC Police Station,
Chennai – 600 116.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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