



Crl.O.P.No.14098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM:

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

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P.Arun Kumar

... Petitioner

Vs.

1.B.Karthiga

2.A.Nithaesh

Minor represented by mother and
natural guardian B.Karthiga

... Respondents

PRAYER: Criminal Original Petition is filed under Section 583 of BNSS (482 of Cr.P.C.), pleaded to set aside the return docket order dated 11.03.2025 in M.P.(SR).No.494 of 2025 in M.C.No.40 of 2016 passed by the learned Judicial Magistrate, Tambaram and to issue suitable direction to the learned Judicial Magistrate, Tambaram to number the perjury petition filed by the petitioner in M.P.(SR).No.494 of 2025 in M.C.No.40 of 2016 and to dispose the same in accordance with law.

For Petitioner : Mr.C.Senapathi

ORDER

This Criminal Original Petition has been filed to set aside the return docket order dated 11.03.2025 in M.P.(SR).No.494 of 2025 in



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M.C.No.40 of 2016 passed by the learned Judicial Magistrate, Tambaram and to issue suitable direction to the learned Judicial Magistrate, Tambaram to number the perjury petition filed by the petitioner in M.P.(SR).No.494 of 2025 in M.C.No.40 of 2016 and to dispose the same in accordance with law.

2. The brief facts leading to the filing of this petition are that the 1st respondent had given false evidence before the learned Judicial Magistrate, Tambaram, thereby she committed the offence of perjury. Therefore, on 03.02.2025 the petitioner had filed a petition in M.P.(SR).No.494 of 2025 in M.C.No.40 of 2016 before the learned Judicial Magistrate, Tambaram to charge the 1st respondent and commit the issue to the concerned Judicial Magistrate to prosecute the 1st respondent. However, the same was returned vide docket order dated 11.03.2025 with a remark that “to be filed before proper forum” on the ground that the present territorial jurisdiction is the Judicial Magistrate Court, Pallavaram. Aggrieved by the same, the petitioner has approached this Court.



WEB COPY 3. The learned counsel for the petitioner would submit that the 1st respondent made the false deposition before the Judicial Magistrate, Tambaram only. Therefore, the petitioner had filed the perjury petition as against the 1st respondent before the Judicial Magistrate, Tambaram, however, it was returned for the reason that the said learned Magistrate is not the jurisdictional magistrate and the same has to be filed before the jurisdictional court, which is wholly unsustainable. Accordingly, he prays for allowing this petition.

4. Heard the learned counsel for the petitioner and also perused the materials available on record.

5. Admittedly, the petitioner has filed a perjury petition before the learned Judicial Magistrate, Tambaram against the 1st respondent, since it is alleged that she had given false deposition before the learned Judicial Magistrate, Tambaram in M.C.No.40 of 2016, however, the same was returned vide docket order dated 11.03.2025, assailing which, the present petition has been filed.



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6. Upon consideration of the submissions made and the materials

on record, this Court is of the view that the learned Judicial Magistrate, Tambaram ought to have considered the perjury petition filed by the petitioner on its merits instead of returning the same to the petitioner.

7. In view of the above, this Court is inclined to allow the petition.

Accordingly, the return docket order dated 11.03.2025 passed by the learned Judicial Magistrate, Tambaram in M.P.(SR).No.494 of 2025 in M.C.No.40 of 2016 is set aside. The learned Judicial Magistrate, Tambaram is directed to entertain the said perjury petition filed by the petitioner and proceed in accordance with law.

8. Accordingly, this Criminal Original Petition is allowed.

04.07.2025

(2/2)

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

sp

To

The Judicial Magistrate, Tambaram.



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G.K.ILANTHIRAIYAN, J.

sp

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