



Crl.A.No. 736 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

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R.Jayanthi

... Petitioner

Vs

P.Devi

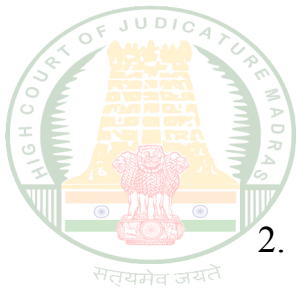
... Respondent

PRAYER: Criminal Appeal is filed under Section 419 of BNSS Act to call for the records and set aside the dismissal order passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai in S.T.C.No.3100 of 2023 dated 27.02.2025 and restore the complaint filed by the petitioner.

For Petitioner : Mr. T.Naveen Chandar

ORDER

This Criminal Appeal has been preferred as against the order passed in S.T.C.No.3100 of 2023 dated 27.02.2025 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai thereby dismissed the complaint of the petitioner on the ground that the petitioner / complainant was not present on that date and the postal endorsement of the summons issued to the respondent shows that the respondent is no more.



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2. The learned counsel for the appellant submits that the respondent is very much alive and the trial court, based on the postal endorsement mechanically dismissed the complaint. Further, the trial court has also failed to check the death certificate of the respondent.

3. In view of the above, this Court is inclined to give one more opportunity to the appellant to put forth her case in the manner known to law. Accordingly, the order passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai in STC No.310 of 2023 dated 27.02.2025 is set aside and the present Criminal Appeal is allowed. The learned XXVI Metropolitan Magistrate, Egmore, Chennai is directed to issue fresh summons to the respondent and proceed with the trial in accordance with law.

30.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
ssd



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G.K.ILANTHIRAIYAN, J.

ssd

To

1.The III Additional Principal Judge,
Family Court, Chennai

2.The Public Prosecutor,
Madras High Court,
Chennai.

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