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Crl.O.P.No.21770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

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

Crl.O.P.No.21770 of 2023

Saravanan

... Petitioner

Vs.

Babu

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to restore the complaint filed by the petitioner/complainant in S.T.C.No.2406 of 2021 on the file of the learned Fast Track Court-II [Metropolitan Magistrate], Allikulam, Chennai.

For Petitioner : Mr.M.Arun

ORDER

This Petition has been filed challenging the dismissal of the complaint in S.T.C.No.2406 of 2021 on the ground that the petitioner did not take any steps to file batta to issue summons to the accused. Further, the petitioner was also absent on 14.03.2023.

2. Heard the learned counsel for the petitioner and perused the



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materials available on record. Though notice has been served, the respondent has not entered appearance, either in person or through Counsel.

3. The learned counsel for the petitioner would submit that the petitioner's counsel's landlady died on 13.03.2023 and as such, the petitioner's counsel could not appear before the Trial Court on 14.03.2023. He is also ready to take steps to issue summons to the accused before the Trial Court. Therefore, the petitioner may be given one more opportunity to prove his complaint before the Trial Court.

4. In view of the above, the complaint in S.T.C.No.2406 of 2021 on the file of the learned Fast Track Court-II [Metropolitan Magistrate], Allikulam, Chennai is hereby set aside. The Trial Court is directed to restore the complaint on file. The petitioner shall pay batta within one week from the date of receipt of a copy of this order before the Trial Court to issue summons to the accused.

5. With the above directions, this Criminal Original Petition is



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allowed. No costs.

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

1. The Fast Track Court-II [Metropolitan Magistrate],
Allikulam, Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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