



Crl.O.P.(MD)No.3447 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.3447 of 2024

Shabana

... Petitioner/Proposed Complainant

Vs.

Murugan

... Respondent/Accused

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order in returning the restoration application filed by the petitioner in the capacity of the legal heirs of the deceased complainant and proceed with further in accordance with law in relation to C.C.No.37 of 2023 dated 29.01.2024 on the file of the Additional District Munsif Court, Valliyoor, Tirunelveli District, forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : No representation

ORDER

Challenging the returned docket order, dated 29.01.2024, passed by the Additional District Munsif Court, Valliyoor, Tirunelveli District, this Criminal Original Petition is filed.



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2. The learned counsel for the petitioner would submit that the petitioner is a legal heir/daughter of the deceased complainant. The petitioner's father had filed a suit in C.C.No.271 of 2015 before the learned Judicial Magistrate, Valliyoor and the said case has been transferred to the Additional District Munsif Court, Valliyoor, Tirunelveli and renumbered as C.C.No.37 of 2023. While the case was pending, the plaintiff therein namely the petitioner's father died and subsequently, his son namely the elder brother of the petitioner, who was a practicing Advocate, also died and hence the petitioner is the only surviving legal heir of the original complainant and she was living away at Chennai with her husband and minor children along with her widowed mother. In the meanwhile, she was informed by her father's counsel that the case was dismissed for non prosecution on 29.01.2024 due to the death of her father and his legal heir that is her brother. While so, the petitioner had filed the said application for restoration of the case. However, without considering the legal heir certificate submitted by the petitioner, the order of return came to be passed and hence this petition.

3. Despite the notice issued and name printed, neither the respondent appeared nor engaged any counsel to represent his case.



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4. Considering the nature of the relief sought for, the impugned order, dated 29.01.2024, is hereby set aside and is remanded back to the learned Additional District Munsif Court, Valliyoor, Tirunelveli District, for a fresh consideration, directing the learned Judge to permit the petitioner to proceed her case further by restoring the dismissed complaint in accordance with law.

5. With the above direction, this Criminal Original Petition is allowed.

08.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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