



Crl.O.P(MD)No.5243 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5243 of 2025

Joespin

... Petitioner

Vs.

1.I.S.Nirmala,

2.Arulsami,

3.Anthony Samy,

4.S.M.Arul Raj,

5.Xavier Devasahayam

...Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the learned Judicial Magistrate, Alankulam to number the private complaint filed under section 225 of BNSS, 2023 in ATN20220006811C202500004.

For Petitioner : Ms.S.Sivakumar

For Respondents : No Appearance



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ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate, Alankulam to number the private complaint filed under section 225 of BNSS, 2023 in ATN20220006811C202500004.

2. According to the petitioner, he filed a private complaint before the learned Judicial Magistrate, Alankulam as against the respondents and the same was returned on 27.02.2025 stating that the complaint has to be filed before the appropriate Court, hence returned. The occurrence took place within the jurisdiction of the Judicial Magistrate Court, Alankulam and therefore, the petitioner has filed the petition before the learned Judicial Magistrate, Alankulam. But the same was returned.

3. This Court perused the petitioner's complaint, where the petitioner stated that the occurrence took place at Alankulam. Therefore, according to the complaint, it comes under the jurisdiction of the Judicial Magistrate Court, Alankulam. However, the learned Judicial Magistrate



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without referring any reasons as to how the petitioner has not filed the complaint before the appropriate Court, simply stated that to be filed before the appropriate Court.

4.In view of the above, the order passed by the learned Judicial Magistrate, Alankulam is not in accordance with and the same is unsustainable. Therefore, the petitioner is at liberty to represent the same complaint before the Judicial Magistrate Court, Alankulam and the learned Judicial Magistrate, Alankulam, is directed to take the complaint on file if it is otherwise in order. If any defect, the trial Court shall point out the same at the time of returning the complaint.

5.With the above direction, this criminal original petition is disposed of.

21.03.2025

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



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To

1.The Judicial Magistrate,
Alankulam.

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



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P. DHANABAL, J.

LR

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