

CRL.OP(MD) No.6351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD) No.6351 of 2025

G. Pitchai

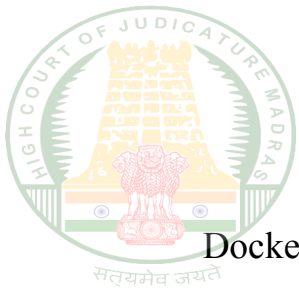
... Petitioner

Vs.

1. Thiruppathi
2. Umaithurai
3. Ramachandran
4. Perichan
5. Ramaiah
6. Annamalai
7. Thavamani
8. Jeyaprakash
9. Muthu
10. Durai Boopathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the



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Docket order of return dated 11.03.2025 passed in unnumbered Crl.M.P.No.Un Numbered of 2023 in filing Crl.M.P.No.872 of 2024 by the District Munsif cum Judicial Magistrate, Natham and to direct the learned District Munsif cum Judicial Magistrate, Natham to number the same and pass orders on merits within a stipulated time fixed by this Court.

For Petitioner : Mr.P.Gokulnaath

ORDER

This petition has been filed by the petitioner to set aside the Docket Order dated 11.03.2025 passed by the learned District Munsif cum Judicial Magistrate, Natham in unnumbered Crl.M.P.No. unnumbered of 2023 in filing Crl.M.P.No.872 of 2024.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the complainant in this case and he lodged a complaint before the learned District Munsif cum Judicial Magistrate, Natham and the same was returned and again the petitioner represented the same, but even after that the petition was returned as previous returns was not complied. Therefore, the order passed by the Trial Court is liable to be set aside and this Court to direct the learned District Munsif cum Judicial Magistrate to assign number to the petition.

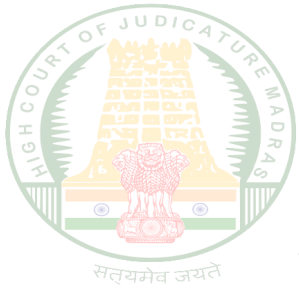


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3. This Court perused the entire materials.

4. The petitioner lodged a complaint against the official respondents no.5 to 9 and respondent no.10. Those official respondent acted as per the the order of this Court in their official capacity and without previous sanction under Section 197 Criminal Procedure Code, the complaint was lodged and therefore, the learned Magistrate returned the complaint. Thereafter, the petitioner has represented the same by stating that the official respondents no.5 to 9 and respondent no.10 have not acted based on the order passed by this Court in W.P(MD)No.8258 of 2023 and without conducting survey, they demolished the property. Therefore, previous sanction is not necessary. However, the learned Magistrate once again returned the same as previous returns not complied. Therefore, the petitioner ought to have complied the defects and without complying the queries raised by the learned Magistrate, once again represented the complaint. Therefore, the order passed by the learned Magistrate is in order and the petitioner has to comply the order passed by the learned Magistrate and thereafter, represent the petition in accordance with law. The Registry is directed to return the original papers to the petitioner.



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5. With the above said observation and direction, this Criminal

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Original Petition is disposed of.

07.04.2025

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

1. The District Munsif cum Judicial Magistrate, Natham



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P.DHANABAL, J.

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