



CRL RC(MD)No.759 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.759 of 2021

and

CRL MP(MD)No.8932 of 2021

1.S.Chandru

2.Vijay

... Petitioners /Accused No.2
& 3

Vs.

1.State through the Inspector
of Police,
Varasanadu Police Station,
Theni District.
(Crime No.569/2020)

2.Suresh

... 2nd Respondent / /
Defacto Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order dated 16.09.2021 in P.R.C.No.12 of 2021 on the file of the learned Judicial Magistrate, Andipatti and duly set aside the same.

For Petitioner : Mr.V.Kathirvelu,
Senior counsel,
For Mr.K.Prabhu

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate

For R-2 : Mr.P.R.Prithiviraj



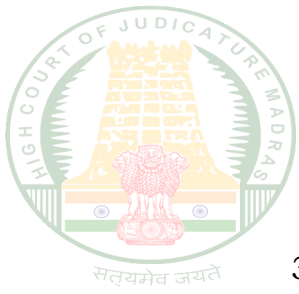
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ORDER

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Challenging the order passed by the learned Judicial Magistrate, Andipatti, passed in P.R.C.No.12 of 2021, dated 16.09.2021, this Criminal Revision case is filed.

2. The revision petitioners herein are the accused No.2 and 3 as well as the sons of the first accused. The 2nd respondent herein is the defacto complainant. The case is one with respect to the suicide committed by the deceased, who is the wife of the 2nd respondent. On 14.07.2021, the 1st respondent police had filed a deletion report before the learned Trial Court, deleting A2 and A3 who are the petitioners herein, from the criminal case concerned. For which, the learned Judicial Magistrate, Andipatti, had issued a notice to the defacto complainant/2nd respondent herein and he had filed his objection on 16.09.2021. Recording the objection of the defacto complainant, the learned Judicial Magistrate refused to accept the deletion report and had taken cognizance under Section 306 IPC against A1 to A3 negating the deletion report. Challenging the same, this Criminal Revision case is filed.



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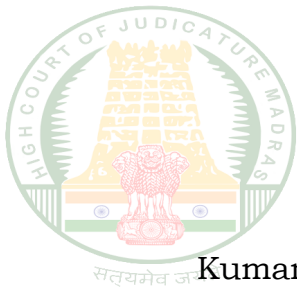
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3. The learned senior counsel appearing for the petitioners categorically contended that, the impugned order is a non-speaking order. An order of cognizance ought not to have been taken by the learned Judicial Magistrate by means of a non speaking order. The matter is no more *res-integra* and the same has been dealt with in the case of **Narayanamma and others vs. Chika Venkateshaiah**¹ wherein this Court has categorically held that while taking the cognizance, the learned Judicial Magistrate should apply his mind and should pass orders and on the basis of the said dictum, the learned senior counsel pressed for allowing the Criminal Revision case.

4. Per contra, the learned counsel appearing for the 2nd respondent, Mr.Prithiviraj, categorically contended that, the suicide note left by the deceased itself would reveal the involvement of the petitioners herein which had abeted the death of the deceased and hence, there is no necessity to interfere with the cognizance order passed by the learned Judicial Magistrate and pressed for dismissal of the Criminal Revision case.

5. The learned Government Advocate (Crl side) Mr.M.Shakthi

¹ 2019-2-L.W.(Crl.) 522



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Kumar seconded the arguments made by the learned counsel for the 1st respondent and he also submitted that the suicide note had mentioned about the petitioners herein and hence, he pointed out that there is no infirmity in the impugned order.

6. Heard the learned counsels on either sides and carefully perused the materials available on record.

7. As rightly pointed out by the learned senior counsel, this Court in the case of **Narayanamma and others vs. Chika Venkateshaiah**² has dealt with a similar case and the relevant portion of the same is extracted as follows:-

“20. It is clear from the above judgments that if the learned Magistrate wants to convert the protest petition into a private complaint, he has the jurisdiction to do so. However, at the time of taking cognizance, the learned Magistrate has to necessarily apply his mind on the closure report filed by the police and the statements recorded by the police during the course of investigation. This exercise has not been done by the Court below, while converting the protest petition into a private complaint and taking cognizance of the same.

21. Therefore, the cognizance taken by the Court below is

² 2019-2-L.W.(Cr1.) 522



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also liable to be interfered by this Court.

22. In view of the above discussion, the criminal proceedings against the petitioners is an abuse of process of Court and it requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.”

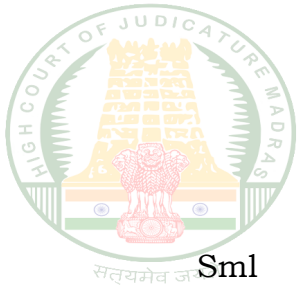
8. In view of the same, without going into the merits of this case, this Court hereby set aside the impugned order and remand back the same before the learned Judicial Magistrate, Andipatti, for fresh consideration with a direction to pass as an elaborate speaking order. On receipt of this order, the learned Trial Court is directed to issue notice to the petitioners herein for appearance before the learned Trial Court. The learned Judicial Magistrate, Andipatti, is further directed to complete the trial as expeditiously as possible within a period of six (6) months from the date of receipt of the copy of this order.

9. Accordingly, this Criminal Revision case is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.07.2025

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

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To

- 1.The Judicial Magistrate,
Andipatti.
2. The Inspector of Police,
Varasanadu Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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