



CrI.O.P.(MD)No.12540 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12540 of 2025

and

CrI.M.P(MD) No.9730 of 2025

P.Peter Raj

... Petitioner

Vs.

R.Kannan

... Respondent

Prayer : Criminal Original Petition filed under Section 438 r/w 442 BNSS, to call for the records of the order passed in CrI.M.P(MD) No.3182 of 2021 dated 29.07.2021 on the file of the learned Judicial Magistrate-V, Tiruchirapalli and set aside the same and directing the learned Judicial Magistrate-V, Tiruchirapalli, to proceed the petition under Section 156(3) of Cr.P.C.

For Petitioner

: Mr.B.Vinothkumar

ORDER

The petitioner, who is a land lord has lodged a complaint against

his tenant before the learned Judicial Magistrate No.V, Tiruchirappalli,



in CrI.M.P.No.3182 of 2021. The learned Judicial Magistrate, by an order dated 29.07.2021 recording that the dispute is pending from the year 2017 to till date, was inclined to proceed with the case under Section 202 Cr.P.C and posted the case on 31.08.2021 for production of evidence on the side of the petitioner. The said order is under challenge in this petition.

2.The learned counsel for the petitioner submits that the learned Judicial Magistrate, instead of proceeding with the case filed by the petitioner under Section 156(3) Cr.P.C, has invoked the provisions of Section 202 Cr.P.C and therefore, the said order requires interference.

3.It appears that the petitioner has lodged a complaint before the learned Judicial Magistrate No.V, Tiruchirappalli, and learned Judicial Magistrate, in his discretion has permitted the petitioner to produce the witnesses on his side. The petitioner, instead of producing the witnesses, has prolonged the proceedings and also filed the present petition to set aside the order dated 29.07.2021. The conduct of the petitioner in challenging the order dated 29.07.2021 itself reveals that the petitioner is dragging the proceedings without producing the witnesses as directed by



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the learned Judicial Magistrate and hence, there is no error in the order

dated 29.07.2021 passed by the learned Judicial Magistrate.

Furthermore, this Court is not inclined to entertain this petition, which has been filed after four years. Accordingly this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

25.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1.VI Additional District & Sessions Judge, Madurai,

2.The Inspector of Police,
Central Crime Branch,
Madurai City.

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



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B.PUGALENDHI,J

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Crl.O.P.(MD)No.12540 of 2025
and
Crl.M.P(MD) No.9727 of 2025

25.07.2025