

DATED : 23.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)Nos.1172 of 2024 and 298 of 2025
and
Crl.M.P.(MD)Nos.3015, 3016, 12363 and 12364 of 2025

- 1.Parimala
 - 2.K.Thangapandi
 - 3.Minor Keertheeshwari
Represented by her mother Valarmathi
 - 4.Minor K.Dhanusha
Represented by her mother Valarmathi
 - 5.Nagaraj
 - 6.Keerthi @ Kruthika
 - 7.P.Vanaraja
 - 8.Raja
- ... Petitioners in CrI.R.C.(MD)No.1172 of 2024

- 1.Kumaresam
2.Kumaresan
3.Selvam
4.Valarmathi
5.Yeasuraja
6.Muniyandi
7.Lakshmi ... Petitioners in CrI.R.C.(MD)No.298 of 2025

-VS-

- | | |
|--|-------------------------------|
| 1.State of Tamil Nadu rep. by
The Inspector of Police,
Usilampatti Police Station,
Madurai.
(Crime No.189 of 2023) | |
| 2.Karuppasamy | ... Respondents in both cases |



Crl.R.C.(MD)Nos.1172 of 2024 and 298 of 2025

COMMON PRAYER : Criminal Review Case filed under 438 and 442 of BNSS, 2023, to call for the records and set aside the order passed by the learned Judicial Magistrate No.I, Usilampatti, dated 08.11.2023, in C.C.No. 12 of 2024 against the petitioners.

For Petitioner : Mr.A.Prabhu Raj
(In both cases)
For 1st Respondent : Mr.M.Sakthi Kumar
(In both cases) Government Advocate (Crl.)
For 2nd Respondent : Mr.C.Senthil Murugan
(In both cases)

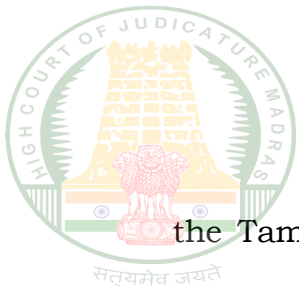
COMMON ORDER

These two Criminal Revision Cases are filed, challenge the order dated 08.11.2023 passed by the learned District Munsif – cum - Judicial Magistrate No.I, Usilampatti, Madurai, in Crime No.189 of 2023, wherein the protest Petition filed by the defacto complainant was allowed by a non-speaking order and cognizance was taken against seventeen persons, arrayed as respondents/accused.

2.Cr.R.C.(MD)No.298 of 2025 is filed by those persons originally named in FIR No.189 of 2023 as accused Nos.1 to 5 and 8 to 9. Cr.R.C. (MD)No.1172 of 2024 is filed by those subsequently added as accused Nos. 10–17, when cognizance was taken.

Facts:-

3.On 18.06.2023, the first respondent police registered FIR No.189 of 2023 under Sections 147, 452, 294(b), 323, 506(i) of IPC and Section 4 of



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the Tamil Nadu Prohibition of Harassment of Women Act, 2002, namely, nine accused. After investigation, the police filed a final report closing the case, as one of “mistake of fact” on 31.08.2023. The defacto complainant, Karuppasamy, thereupon filed a protest petition under Section 173(8) of Cr.P.C. before the learned District Munsif – cum - Judicial Magistrate No.I, Usilampatti. By order dated 08.11.2023, the learned Judicial Magistrate “took the protest petition on file as C.C. No. 12 of 2024 for offences under Sections 147, 452, 294(b), 323, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against A1 to A17” and issued summons for 14.11.2023. The learned Judicial Magistrate thus took cognizance against all seventeen persons, of which, nine originally named and eight additional persons, by a cryptic, non-speaking order.

Submissions:-

4.The learned counsel appearing for the petitioners submitted that there exists prior enmity between the defacto complainant (a practising advocate/communal party member) and the petitioners, with respect to a previous FIR (FIR No.155 of 2021), which was quashed on compromise by this Court in Crl.O.P.(MD)No.10767 of 2021. The protest petition merely reproduced the allegations of the now closed FIR and that it contained no fresh or specific allegations against accused Nos.10 to 17. The order under challenge is cryptic and non-speaking, lacking any judicial determination of a *prima facie* case and reasoning. The accused Nos.12 and 13 are minor



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girls and that taking cognizance without considering their future welfare is impermissible.

5.The learned Government Advocate (Criminal) fairly conceded that the learned Magistrate's order was non-speaking but urged that the learned Magistrate was entitled to take cognizance once satisfied by the protest petition.

6.The learned counsel appearing for the second respondent/defacto complainant argued that no interference is warranted as cognizance on a protest petition lies within the learned Magistrate's discretion.

7.Heard the learned counsel on either side and carefully perused the materials available on record.

Issues for Determination:-

(i)Whether the learned Magistrate applied judicial mind and gave reasons when he allowed the protest petition and took cognizance against all seventeen persons.

(ii)Whether, in the absence of specific allegations, there was material to take cognizance against accused Nos.10 to 17.

(iii)Whether cognizance could lawfully be taken against minors (accused Nos.12 and 13) without due regard to their welfare.



Discussion:-

8.1.Requirement of a Speaking Order:- A learned Magistrate must record satisfaction that there is a *prima facie* case before taking cognizance on a protest Petition, and must disclose reasons for such satisfaction. A cryptic order, merely reproducing statutory language without application of mind, is vitiated.

8.2.Material Against Additional Accused:- Except for the protest Petition, which simply re-alleges the earlier FIR, no independent material was put forth against the eight persons added as accused Nos.10 to 17. Mere repetition of the closed FIR's allegations cannot sustain cognizance.

8.3.Protection of Minors:- Juveniles are entitled to special consideration under the Juvenile Justice (Care and Protection of Children) Act, 2015. Cognizance against minors requires strict adherence to procedural safeguards; none were observed.

Conclusion and Order:-

9.For the reasons above, this Court is of the opinion that the impugned order dated 08.11.2023, is a non-speaking order, lacking any disclosure of judicial satisfaction. There was no material warranting cognizance against accused Nos.10 to 17. Cognizance against the minors



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(accused Nos. 12 and 13) was impermissible in the absence of any welfare consideration.

10. Accordingly, the order of the learned District Munsif – cum - Judicial Magistrate No.1, Usilampatti, in C.C.No.12 of 2024 dated 08.11.2023 is hereby set aside. Crl.R.C.(MD)No.1172 of 2024 and Crl.R.C.(MD)No.298 of 2025 are allowed. The learned Judicial Magistrate is directed to re-consider the protest petition together with the final report and the statements recorded under Section 161 of Cr.P.C., and to proceed thereafter in accordance with law, taking one of the three courses open to him and recording reasons for whichever course is adopted, as mandated by the decision in ***Ranjith Soundarajan v. State***¹. While re-considering, the learned Magistrate shall not proceed against accused Nos.12 and 13 (the minors) without providing for their welfare under the Juvenile Justice (Care and Protection of Children) Act, 2015. No Costs. Consequently, connected miscellaneous petitions are closed.

23.06.2025

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

¹ 2021 (2) MWN (Crl.) 155



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To

- 1.The Judicial Magistrate No.I, Usilampatti, Madurai.
- 2.The Inspector of Police,
Usilampatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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