



Crl.O.P.(MD)No.19933 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.19933 of 2022

and

Crl.M.P.(MD) Nos.13731 and 13733 of 2022

- 1.Barhanafathima
- 2.Kathisathul Saburabanu
- 3.Left Sheik @ Sheik Abdul Rahuman
- 4.Thuguthu @ Seeni Mohammed Ibrahim
- 5.Nizar @ Mohamed Nizamuheen

... Petitioners /Accused Nos.1 – 4 & 6

Vs.

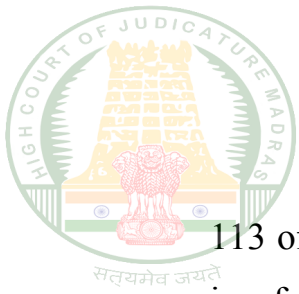
- 1.State through the
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

(In Crime No.113 of 2016) ... 1st Respondent/Complainant
(Amended as per order of the Court dated
23.12.2022 in Crl.M.P.(MD) No.
16262 of 2022)

- 2.Jinnath Dhaga

... 2nd Respondent/
defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet filed in C.C.No.354 of 2019 on the file of the Additional Mahila Court, Ramanathapuram District in connection with Crime No.



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113 of 2019 on the file of the first respondent police and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.B.Arun

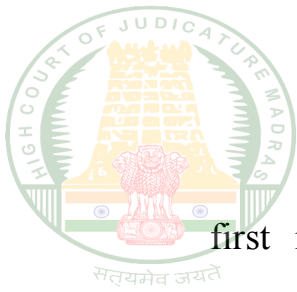
For Respondents : Mr.A.Albert James
Additional Public Prosecutor
for R1
Mr.B.Mahendra Rajan for R2

ORDER

This petition has been filed seeking to quash the proceedings pending in C.C.No.354 of 2019, on the file of the Additional Mahila Court, Ramanathapuram.

2.Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

3.The case of the prosecution is that the petitioners illegally trespassed into the property belonging to the second respondent and assaulted her and snatched 5 sovereign gold chain from the second respondent and also damaged the mobile phone and computer and thereby caused a total damage of Rs.2 lakhs. Based on this complaint, the

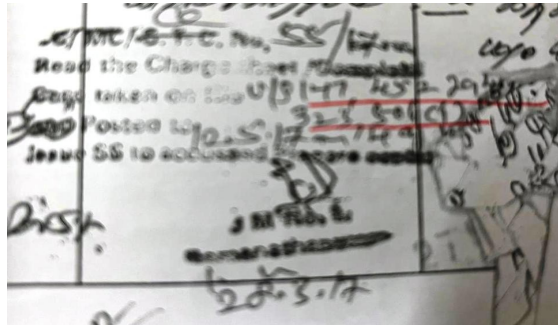


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first respondent registered an FIR in Crime No.113 of 2019. On completion of investigation, a police report was filed before the Court below as against the petitioners for offence under Sections 147, 452, 294(b), 323 and 506(ii) of IPC. Aggrieved by the same, the present petition has been filed by the petitioners.

4.It is not necessary for this Court to go into any of the issues in view of the fact that the Court below has taken rubber stamp cognizance. For proper appreciation, the cognizance taken by the Court below is scanned and extracted hereunder:



5.This Court by relying upon the judgment of the Apex Court has repeatedly held that the process of taking cognizance is a judicial process which requires application of mind. A rubber stamp



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cognizance is no cognizance in the eye of law since what is being done is to put the seal in the complaint and fill-up the gaps. Such rubber stamp cognizance has been frowned upon by this Court. Useful reference can be made to the judgment of this Court in ***Shanmugam and others v. Inspector of Police, Ariyalur Police Station, Ariyalur and others***, reported in ***(2019) 3 MLJ (Crl.) 339***. The Apex Court also dealt with this issue in ***S.K.Sinha, Chief Enforcement Officer v. Videocon International Ltd & Ors.***, reported in ***(2008) 1 SCC (Crl.) 471***.

6.In view of the above, the rubber stamp cognizance taken by the Court below is hereby set aside. The matter is remitted back to the file of the Additional Mahila Court, Ramanathapuram and the learned Judicial Magistrate shall apply his mind on the allegations made in the complaint and the materials relied upon and pass appropriate orders which must reflect the application of mind. This process shall be complied within a period of four weeks from the date of receipt of a copy of this order.



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7.In the result, this Criminal Original Petition is allowed in

the above terms. Consequently, connected miscellaneous petitions are closed.

28.01.2025

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

To

- 1.The Additional Mahila Court, Ramanathapuram.
- 2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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Dated: 28.01.2025