



Crl.O.P.(MD) No.5 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.5 of 2024

Sureshkumar

... Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.99 of 2018)

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed in Cr.M.P.No. unnumbered of 2023 in C.C.No.161 of 2023 dated 17.11.2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking to set aside the impugned docket order dated 17.11.2023 in unnumbered Cr.M.P. No.____ of 2023 in C.C.No.161 of 2023 in Crime



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No.99 of 2018, which was filed by the petitioner/defacto complainant under Section 156(3) of the Code of Criminal Procedure, 1973 seeking further investigation, this Criminal Original Petition is filed.

2. The said Crl.M.P. came to be returned for the sole reason that the investigation officer originally arrayed 6 accused and after completion of investigation had filed a final report by deleting 4 of the accused and implicating 2 accused; that in view of the deletion of few accused, notice was also served to the petitioner/defacto complainant; that however, the petitioner/defacto complainant failed to appear on that day in Crl.M.P.No. 2189 of 2023; and that only due to his non-appearance, the said petition was closed recording that objection was not raised by the petitioner/defacto complainant and concluding that the Trial Court has no review power.

3. The learned counsel for the petitioner submitted that, due to his ailment and medical condition, the petitioner was not able to appear before the Trial Court when his objection was sought for in Crl.M.P.No. 2189 of 2023.



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4. Considering the said submission, the impugned docket order is hereby set aside, and the case is remanded back to the Trial Court for fresh consideration. Accordingly, this Criminal Original Petition is allowed.

08.12.2025

JEN

Index : No

Internet : Yes

Neutral Citation : No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

JEN

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