



Crl.O.P.(MD) No.18107 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18107 of 2025

and

Crl.M.P.(MD) Nos.14873 & 14874 of 2025

Birlara

... Petitioner

Vs.

Gopinath

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the private complaint in Cr.M.P.No.968 of 2025 on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as illegal as against the petitioner.

For Petitioner : Mr.G.Mariappan

ORDER

This Criminal Original Petition has been filed seeking to quash the private complaint in Cr.M.P. No.968 of 2025, on the file of the learned Judicial Magistrate No.II, Virudhunagar, filed by the respondent, and the pre-cognizance notice issued by the learned Judicial Magistrate.



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2. Since the learned Judicial Magistrate has not taken cognizance, this Court is not inclined to quash the private complaint at this stage.

3. However, the learned counsel for the petitioner would submit that the pre-cognizance notice was not happily worded; that the very purpose of providing a pre-cognizance notice is to enable the accused to put forth the case before the learned Judicial Magistrate; and that no person can be compelled to attend the Court at this stage of pre-cognizance.

4. Considering the scope and object of issuing the pre-cognizance notice for enquiry, this Court is of the view that the petitioner can either appear in person or through his counsel before the learned Judicial Magistrate to put forth his case.

5. With the above liberty, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed.

28.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



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The Judicial Magistrate No.II,
Virudhunagar.



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SUNDER MOHAN, J.

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