



Crl.OP(MD)No.21512 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21512 of 2025

and

CRL MP(MD)Nos.18509 and 18510 of 2025

Godpire W Nople @ Godfrey Washington Noble

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Crime No.499 of 2020.

2. Justin Jeya Sundaram

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in C.C.No.1996 of 2023 on the file of the learned Judicial Magistrate No.IV, Tirunelveli and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand,
For S. Ashok

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

Since no adverse order passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

2. Seeking to call for the entire records pertaining to the case in C.C.No.1996 of 2023 on the file of the learned Judicial Magistrate No.IV, Tirunelveli, and quash the same as against the petitioner, this Criminal Original Petition has been filed on the pretext that the process of taking cognizance being a judicial act has been made mechanically while impression of an official seal without application of mind.

3. For which, the learned counsel appearing for the petitioner relied upon the order passed by this Court in Crl.OP(MD)No.568 of 2025 dated 24.02.2025 wherein this Court had held as follows:

“5. The main point raised by the petitioner is that the learned Magistrate has not passed any order for taking cognizance after applying the mind and only mentioned the legal provisions in the charge sheet and thereafter, taken



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cognizance. Therefore, no order was passed by the Magistrate for taking cognizance by applying his mind. This Court also perused the charge sheet. In the charge sheet, the learned Magistrate mentioned the C.C. number and thereafter, mentioned the penal provisions and no any order passed for taking cognizance.

6. At this juncture, the learned Counsel appearing for the petitioner also produced the following judgments: **Senthilandavar Vs. Inspector of Police** reported in **2019 SCC Online Madras 2667** and **Kannan Vs. State of Tamil Nadu** reported in **2023 Caselaw 13651 Mad.**

7. On a careful perusal of above judgments, it is clear that the process of taking cognizance is a judicial Act and that requires application of mind. A rubber stamp cognizance is not a cognizance in the eyes of law as it merely involves placing the seal on the complaint and filling in the gaps.

8. In the case on hand also, the learned Magistrate has not passed any order after applying mind and only filled up the gaps in the rubber stamp. Therefore, pending proceedings



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against the petitioner in C.C.No.2715 of 2022 is liable to be quashed. The order of the learned Magistrate taking cognizance in the above said case is set aside and the matter has been remanded to the Trial Court for passing orders after applying mind in the charge sheet filed by the respondent police after perusing the records in accordance with law.”

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

5. Fully fortified by the aforesaid order, the pending proceedings in C.C.No.1996 of 2023 on the file of the learned Judicial Magistrate No.IV, Tirunelveli, is liable to be quashed. The order of the learned Judicial Magistrate taking cognizance in the aforesaid case is hereby set aside, and the matter is remanded back to the learned Trial Court for passing appropriate orders after perusing the records in accordance with law.



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6. With the above observations, this Criminal Original Petition
is allowed.

01.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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