



Crl.O.P(MD)No.1162 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1162 of 2026

and

Crl.M.P(MD)Nos.1221 & 1222 of 2026

1.R.Ammavasi

2.A.Petchiyammal

3.Mahakrishnan

4.Ananth

... Petitioners/A1 - A4

Vs.

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
Sindupatty Police Station,
Madurai District.
(Crime No.109/2018)

... Respondent/Complainant

2.Power Singam

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the docket order passed by the Judicial Magistrate, Thirumangalam, Madurai District in Cr.M.P.No.3358 of 2019 in S.T.C. No. 973 of 2024 dated 14.06.2024.

For Petitioner : M/s.J.Kalyani

For R1 : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Seeking to set aside the impugned order passed by the learned Judicial Magistrate, Thirumangalam, Madurai District in Cr.M.P.No. 3358 of 2019 in S.T.C. No. 973 of 2024 dated 14.06.2024, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that in a protest petition filed by the defacto complainant, the learned Judicial Magistrate had passed an order without following the mandates under Sections 200 and 202 of the Code of Criminal Procedure.

3. The learned Government Advocate(Crl.side) fairly conceded that in view of the judgment of the Hon'ble Supreme Court in the case of Vishnu Kumar Tiwari Vs. State of UP¹, the protest petition ought to have been dealt with by the learned Judicial Magistrate only after following the procedure prescribed under Sections 200 and 202 of Cr.P.C.

¹ 2019 (8) SCC 27



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

5. On receiving the protest petition and after perusing the materials available on record, the learned Judicial Magistrate either ought to have directed further investigation under Section 173 (8) of Cr.PC or in case of taking the same to file, should have followed the procedure prescribed under Sections 200 and 202 of Cr.P.C as mandated in the case referred supra. In view of the same, the impugned order is hereby quashed and remanded back to the file of the learned trial Court for fresh consideration.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

22.01.2026

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

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- To
- 1.The Inspector of Police,
Sindupatty Police Station,
Madurai District.
 - 2.The Judicial Magistrate,
Thirumangalam, Madurai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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