

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20033 of 2011

K.MURUGAN

... PETITIONER

Vs.

1. ASOKAN
2. MURUGAN
3. RAJKUMAR
4. RAMALINGAM

... RESPONDENTS

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, seeking a direction to the learned Judicial Magistrate No.1, Mayiladuthurai, to number the complaint filed by the petitioner under section 200 of Cr.P.C. dated 24.10.2009 in SR.No.13392 of 2009 and consequently, to proceed in accordance with Section 210 of Cr.P.C.

For Petitioner : Mr.A.Vivin
for
M/s.K.M.Vijayan Associates

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.1, Mayiladuthurai, to number the complaint filed by the petitioner under section 200 of Cr.P.C. dated 24.10.2009 in SR.No.13392 of 2009 and consequently, to proceed in accordance with Section 210 of Cr.P.C.

2. The grievance of the petitioner is that already he has given a complaint against some named persons and after investigation, charge sheet was also laid against the named persons and the above case was also numbered as STC No.2640 of 2010. At the time of receiving witness summons, the petitioner found that witnesses to the occurrence are entirely different persons and therefore, he filed a private complaint before the learned Judicial Magistrate No.1, Mayiladuthurai, whereas the learned Magistrate refused to receive the private complaint. Hence, the petitioner has come forward with the present petition.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. It is seen from the records that already charge sheet was filed against the named persons. The only grievance of the petitioner is that the witnesses to the occurrence are entirely different persons, who were produced during trial. For that purpose, the petitioner cannot file a private complaint. If the petitioner has any grievance, it is always open to the petitioner to approach the concerned trial Court and file an appropriate petition. Hence, this petition is dismissed as not maintainable.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. THE JUDICIAL MAGISTRATE NO.1,
MAYILADUTHURAI.

2. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1cc to M/S.K.M.Vijayan Associates, Advocate Sr.33056

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srg 14/07/2016

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