

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.676 of 2017

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the respondents in implicating the petitioners in false criminal case in CC No.601 of 2014 on the file of II Additional Judicial Magistrate of First Class, Machilipatnam, Krishna District.

Heard and perused the material available on record.

On a private complaint filed by the 4th respondent before the II-Additional Judicial Magistrate, Machilipatnam, the Court below passed the following order on 12.12.2014:

“Complainant present. Heard, perused the record, sworn statement on perusal of the record, prima-facie case is made out against A-1 to A-10 U/s 430 IPC. Hence case is taken on file U/s 420 IPC against A-1 to A-10. Issue SS to A-1 to A-10 on payment of process.”

From a perusal of the record, it is evident that the petitioners have already approached this Court and filed CrI.R.C.SR No.35840 of 2016 seeking to set aside the above order passed by the trial Court. Hence, this Court is of the view that this writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 05, 2017
KTL

