

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2018

Coram :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1314 of 2013

and

M.P.No.1 of 2013

1. K.Samarasam
2. Kameshwari
3. T.Venkatesan
4. Alamelu
5. Arivalagan ... Petitioners/Accused 1 to 5

Vs.

Kadapattu R. Selvaraj
... Respondent/Complainant

Criminal Revision is filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order passed by the learned Principal District Munsif cum Judicial Magistrate, Vaniyambadi dismissing the discharge petition in Crl.M.P.No.6462 of 2012 in C.C.No.206 of 2011 dated 02.09.2013.

For Petitioners : Mr.P.Ezhilnilavan

For Respondent : No Appearance

O R D E R

The Criminal Revision Petition is filed as against the order made in Crl.M.P.No.6462 of 2012 in C.C.No.206 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate, Vaniyambadi, under Section 245 (2) Cr.P.C. seeking to discharge from the case and for compensation of Rs.11,00,000/-. The Magistrate after giving opportunity, dismissed the petition.

2. Feeling aggrieved against the order passed by the Magistrate, the petitioners filed this Criminal Revision Petition.

3. It is well settled proposition of law. At the time of dealing the petition filed under Section 245 (2) Cr.P.C, the Court has to see whether prima facie allegations is made out against the accused. The Court has to see the averments made in the complaint and also the relevant documents, produced by the complainant. At the same time, it is not necessary to see

the defence taken by the respondent. Therefore, on a perusal of the materials available before this Court, there is a prima facie allegations leveled against the revision petitioners for framing of charge, the Court need not give any reason if the Court finds prima facie as against the accused to proceed further. There is a prima facie case as against the petitioner/Accused.

4. Hence, the Magistrate can proceed with the case against the accused. Under these circumstances, this Court finds, there is no merit in the revision and there is no illegality or perversity in the order passed by the learned Principal District Munsif cum Judicial Magistrate, Vaniyambadi in CrI.M.P.No.6462 of 2012 in C.C.No.206 of 2011 dated 02.09.2013.

5. In the result, the Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.
bri

Sd/-
Asst. Registrar (CS-V)

//True Copy//

Sub Asst. Registrar

To

The Principle District Munsif
cum Judicial Magistrate,
Vaniyambadi.

+ 1 CC TO M/s.P.EZHIL NILAVAN, ADVOCATE SR 55515

KR/15/10/18

सत्यमेव जयते

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