

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.1357 of 2015

Malliga

... Petitioner

Vs.

1.Arjunan
2.Rajendran
3.Manickkam
4.Kamala

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.R.P.No.54 of 2012 order dated 31.10.2014 on the file of the III Additional District Judge, Salem, confirming the order dated 18.09.2012 in C.C.No.358 of 2012 on the file of the Judicial Magistrate No.II, Salem, to set aside the said orders and to direct the Judicial Magistrate No.II, Salem to take cognizance of the complaint filed by the petitioner.

For Petitioner : Mr.P.Jagadeesan

For Respondents : No Appearance

ORDER

This Criminal Original Petition has been filed challenging the order passed in C.R.P.No.54 of 2012 confirming the order passed in C.C.No.358 of 2012 wherein the Court below has dismissed the complaint filed by the petitioner in exercise of its jurisdiction under section 203 of Cr.P.C.

2. The learned counsel for the petitioner submitted that both the Courts below filed to taken into consideration that fact that a cognizable offence has been made out and there were materials to prove the same and that the Court below ought to have issued summons to the accused persons and should have

proceeded further in accordance with law. The learned counsel further submitted that the Court below went to wrong in dismissing the complaint under Section 203 of Cr.P.C.

3.This Court has carefully considered the submissions made the learned counsel for the petitioner and also the materials available on record.

4. Both the Courts below have considered the entire materials available on record and have found that there are absolutely no materials in order to substantiate any of the alleged offence complaint by the petitioner. That apart the Court also took into consideration the pending civil suit between the parties and the relationship between the parties. The Court have come to an categorical ---no cognizable offence has been made by the complainant.

5. This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds interfere with the same.

6. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/uma

To

1.The III Additional District Judge,
Salem.

2. The the Judicial Magistrate No.II,
Salem.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Jagadeesan, Advocate, Sr.No. 45606

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SS(CO)
CSL/28.06.2019