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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 23396 of 2017
and
Crl.M.P.No. 13618 of 2017

1.Selvamani
2.Thirugnanasambantham
3.Nagarathinam
4.Santhi
5.Kalaimani
6.Gnanamani

. . . Petitioners/Accused 1 to 6

Versus

1.State rep by,
The Inspector of Police,
Sozhatharam Police Station,
Cuddalore District

. . . 1st Respondent/Complainant

2.Kayalvizhi

. . . 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.M.P.No.5051 of 2015, dated 30.01.2017, on the file of the District Munsif Cum Judicial Magistrate, Kattumannarkoil and quash the same.

For Petitioners : M/s.N.Nishanthi

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side) for R1

: No appearance for R2.

O R D E R

This Criminal Original Petition has been filed to quash the private complaint in C.M.P.No.5051 of 2015, dated 30.01.2017, pending on the file of the District Munsif Cum Judicial Magistrate, Kattumannarkoil.



2. The learned counsel appearing for the petitioners submitted that the complaint lodged before the police was already closed as 'mistake of fact'. Thereafter, private complaint has been given.

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3. Before taking cognizance, the learned Judicial Magistrate has examined four (4) witnesses. Before examining four witnesses, the learned Magistrate has applied his mind and took cognizance for the offence punishable under Sections 147, 152, 294 (b) and 506 (i) of the Indian Penal Code. Therefore, this Court while exercising power under Section 482 Cr.P.C., cannot act as an appellate Court, to find out whether the offence has been made out or not. Having taken cognisance, it is for the Magistrate to appreciate the facts and decide whether the offence has been made out nor not. In such view of the matter, I do not find any merits in this petition.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

psa/mvs

To

1. The District Munsif Cum Judicial Magistrate,
Kattumannarkoil.
2. The Inspector of Police,
Sozhatharam Police Station,
Cuddalore District
3. The Public Prosecutor,
High Court, Madras 600104.

Cr1. O.P. No. 23396 of 2017

GPL(CO)
CT/17/12/2021