



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.1091 OF 2019

AND

CRL.M.P.NO.14744 OF 2019

1.K.Ashok Kumar
2.K.Raja
3.A.Gopinath
4.K.Rajendran

...Petitioners

Vs.

The State Rep. by
Inspector of Police,
P.5, M.K.B.Nagar Police station,
Chennai - 600 039.

...Respondent

Prayer : The Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to set aside the Order passed in Crl.M.P.No.1354 of 2018 in C.C.No.5830 of 2017, dated 07.09.2019 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai and thereby allow the Criminal Revision Petition.

For Petitioner : Mr.A.Rajesh kanna

For Respondent : Mr.S.Sugendran,
Government Advocate
(Crl. Side)

O R D E R

This Criminal Revision is filed against an order, dated 07.09.2019, dismissing the discharge petition made in Crl.M.P.No.1354 of 2018 in C.C.No.5830 of 2017, on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai,

2. The learned counsel for the petitioners would submit that in respect of private dispute, the respondent had registered cases against the petitioners for offences under Sections 448 and 380 of I.P.C r/w. and Section 3 of the Tamilnadu Property (Prevention of Damage and Loss) Act, (TNPPDL Act). After investigation, the Charge sheet was taken on file before the learned Chief Metropolitan Court at Egmore. Thereafter, the petitioners have filed a discharge application before the learned Chief Metropolitan Magistrate, Egmore, Chennai, and the



discharge application was dismissed on 07.09.2019. Challenging the dismissal of the discharge application, the petitioner had preferred the present Revision before this Court. Upon hearing the revision, this Court had granted stay on 06.11.2019.

3. In the meanwhile, Charges framed against the petitioners for the offences under Section 3 of the TNTPDL Act and 448 of IPC were dropped and altered charge sheet under Section 427 of IPC alone was taken on file. The learned Chief Metropolitan Magistrate, Egmore finding that the case for offence under Section 427 of Cr.P.C., was triable only by the Court of Magistrate, had forwarded the same to the learned X Chief Metropolitan Magistrate and the same is pending before the said Magistrate. Now it has been stated that the said case is posted for hearing on 02.02.2022. Hence, the learned counsel for the petitioners seeks permission of this Court to withdraw the present revision with liberty to file an appropriate discharge petition before the concerned Court.

4. Considering the submissions made, permission is granted. This Criminal Revision Case is dismissed as withdrawn, granting liberty to the petitioners to file an appropriate petition before the concerned trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

vum

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
P5, MKB Nagar Police Station,
Chennai - 600 039.

3.The Section Officer,
Criminal Section,
High Court, Madras.

+2ccs to Mr.A.Rajesh Kanna, Advocate SR.No.65716

Cr1.R.C.No.1091 of 2019 and
Cr1.M.P.No.14744 of 2019

KV(CO)
RVM(22/12/2021)