



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.18015 of 2021

P.Madasamy

... Petitioner / Complainant

Vs.

1. Michael Ammal
2. John Kennedy
3. A.Gurusamy
4. Thangaraj
5. Kaliammal
6. Gururaj @ Gurusamy
7. S.Varatharajan
8. M.Selvanayagam

... Respondents 1 to 8 / Accused

9. The Inspector of Police,
Sivagiri police station,
Thenkasi District.

(R-9 is suo motu impleaded

as per Order dated 18.11.2021)

... Respondent No.9

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the order passed in Cr.M.P.No.7 of 2021 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, dated 21.01.2021 and to set aside the same.

For Petitioners : Mr.V.Sasi Kumar
For R-9 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

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O R D E R

Heard the learned counsel on either side.

2. The petitioner herein filed a petition before the learned Judicial Magistrate, Sivagiri, seeking protection under Section 156 (3) of Cr.P.C.

3. After going through the materials filed by the petitioner, the trial Court came to the conclusion that no *prima facie* case exists to simply forward the case for registration of First Information Report. The Court chose to treat the petition as private complaint under Section 200 of Cr.P.C. and called upon the complainant to appear for examination on oath and for filing list of witnesses. Challenging the same, this criminal original petition came to be filed.



4. No case for interference has been made out. The learned Magistrate had applied his mind. The petitioner cannot have any real grievance also. Instead of the police, the Court itself has decided to examine the petitioner's complaint.

5. The impugned proceedings do not call for any interference. This criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Additional District Munsif
cum Judicial Magistrate, Sivagiri.
2. The Inspector of Police,
Sivagiri police station,
Thenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.18015 of 2021
02.12.2021

DKS (CO)
TR(17.12.2021) 2P 4C