



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3705 of 2018

and

Crl.M.P(MD)Nos.1795 and 1796 of 2018

WEB COPY

1.B.Mohamed Kalifullah

2.Mohamed Asiq

... Petitioners/Accused 1 & 2

Vs.

1.P.S.Sharfudeen

... Respondent/Defacto
Complainant

2.The Inspector of Police,
Town South Police Station,
Dindigul.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records from the Learned Judicial Magistrate No.III, Dindigul and set aside the impugned order passed by the learned Principle District Judge, Dindigul in Crl.R.C.No.6/17 dated 30.11.2017.

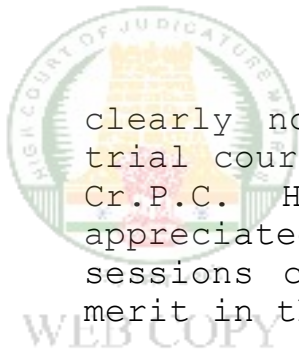
For Petitioners : Mr.M.Sheik Abdullah
For R1 : Mr.G.Karuppasamy Pandiyan
For R2 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed questioning the order passed by the revisional Court in Crl.R.C.No.6 of 2017 on 30.11.2017.

2. The petitioners herein are figuring as accused in C.C.No.216 of 2016 before the Judicial Magistrate No.III, Dindigul. They filed Cr.M.P.No.122 of 2017 for seeking discharge. The said petition was allowed on 08.02.2017. Challenging the same, the complainant filed the aforesaid revision. The revisional court allowed the revision. Challenging the same, the accused have filed this petition.

3. As rightly pointed out by the learned counsel appearing for the complainant, C.C.No.216 of 2016 is a private complaint and it is a summary case. In such a case, the petition for discharge is



clearly not maintainable. To overcome the statutory bar, the trial court appears to have invoked its power under Section 259 of Cr.P.C. He could not have done so. The sessions Court correctly appreciated the entire issue. The impugned order passed by the sessions court does not call for any interference. There is no merit in this petition.

4. This Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Principal District Judge, Dindigul.
- 2.The Judicial Magistrate No.III, Dindigul.
- 3.The Inspector of Police,
Town South Police Station,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SHEIK ABDULLAH, Advocate (SR-842[F] dated 07/01/2022)

Crl.O.P. (MD)No.3705 of 2018
05.01.2022

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