



W.P(MD)No.27524 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27524 of 2022

and

W.M.P(MD)No.21614 of 2022

R.Alagarsamy Naidu

... Petitioner

Vs

1.The Principal District Judge,
Madurai District,
Madurai.

2.Sundarajan Naidu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to the impugned order dated 31.10.2022 and Quash the same as illegal and arbitrary and consequently direct the first respondent to conduct proper enquiry in the petitioner's complaint 29.06.2017 and take appropriate action against the second respondent.

For Petitioner : Mr.A.D.Ganeshamoorthi



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ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is aggrieved that the complaint given by him under Section 340 Cr.P.C was closed. Questioning the same, the present writ petition has been filed. Section 341 Cr.P.C reads as follows:

“341. Appeal – (1) Any person on whose application any Court other than a High Court has refused to make a complaint under sub- section (1) or sub- section (2) of section 340, or against whom such a complaint has been made by such Court, may appeal to the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 195, and the superior Court may thereupon, after notice to the parties concerned, direct the withdrawal of the complaint, or, as the case may be, making of the complaint which such former Court might have made under section 340, and if it makes such complaint, the provisions of that section shall apply accordingly.

(2) An order under this section, and subject to any such order, an order under section 340, shall be final, and shall not be subject to revision.”



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As per the aforesaid provision, only an appeal will lie. Writ petition is not maintainable. Leaving open the rights and remedies of the writ petitioner, this writ petition is dismissed as not maintainable. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Index : Yes / No
Internet : Yes/ No
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To

The Principal District Judge,
Madurai District,
Madurai.



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