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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.RC.No.1088 of 2023
and
CrI.M.P.Nos.8632 and 10711 of 2023

1. Gopalakrishnan
2. Revathi

...Petitioners

Vs.

1. The State represented by
Inspector of Police,
Madipakkam Police Station,
Chennai – 600 091.

2. Amuthavalli ...Respondents

Prayer: Petition filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records made in C.M.P.No.1915 of 2021 vide order dated 05.12.2022 passed by the Judicial Magistrate II, Alandur and to set aside the same as illegal.

For Petitioner : Mr.K.Sankarasubbu
for A.Ramesh

For Respondents : Mrs.G.V.Kasthuri, APP for R1

Mr.T.Shanmugam for R2



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ORDER

The present criminal revision has been filed to set aside the order passed in C.M.P.No.1915 of 2021 dated 05.12.2022 by the learned Judicial Magistrate II, Alandur

2. The petitioners are A1 and A2 in C.C.No.591 of 2022 facing trial before the learned Judicial Magistrate No.II,Alandur for the offence under Sections 448, 341 & 506(i) of IPC has filed the above criminal revision case challenging the cognizance taken by the learned Magistrate vide order dated 05.12.2022.

3. Though very many grounds have been raised in the above criminal revision, the learned counsel appearing for the petitioners submitted that this Court may grant liberty to the petitioners to file a discharge petition u/s 239 of Cr.P.C. to discharge them from the charges levelled against them, before the learned Judicial Magistrate No.II.Alandur and the learned Magistrate may be directed to decide the matter on merits and in accordance with law.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.



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5. In view of the submission made by the learned counsel for the petitioners, this Court without expressing any opinion on the merits of the case and without interfering with the order impugned, grants liberty to the petitioners to file a discharge petition u/s 239 of Cr.P.C. to discharge them from the charges levelled against them, before the trial Court and upon receipt of such petition being made by the petitioners, the Trial Court is directed to dispose of the same and pass appropriate orders after affording an opportunity of hearing to the parties on merits and in accordance with law.

6. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

29.07.2024

rap
Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

M.DHANDAPANI, J.



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- To
1. The Inspector of Police,
Madipakkam Police Station,
Chennai – 600 091.
 2. The Judicial Magistrate II, Alandur

Crl.RC.No.1088 of 2023

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