



Crl.O.P.No.12665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.01.2024

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.12665 of 2023

1.N.Natarajan

2.N.Gunasekaran

.. Petitioners

/versus/

A.Parthiban

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 09.12.2022 passed Crl.R.C.No.34 of 2021 by the Hon'ble 3rd Additional District Judge, Thiruvallur at Poonamalle and confirming the order dated 23.04.2021 passed in C.M.P.No.238/2020 passed by the Hon'ble Judicial Magistrate, Ambattur.

For Petitioners :Mr.V.Manoharan

ORDER

The learned counsel appearing for the petitioners submitted that he has already returned back the bundle and given change of Vakalat.

2. In the light of the above submission, this Court will



Crl.O.P.No.12665 of 2023

deal with this petition, based on the records available before this Court.

3. The petitioners are arrayed as A1 and A2 in the private complaint filed by the respondent against the petitioners for the offence under Section 499 r/w Section 500 of IPC. The trial Court examined the respondent as witness and apart from that, two other witnesses were examined and their statements were also recorded. Thereafter, the trial Court had taken cognizance of the complaint as against A1 and A2 for the offence under Section 499 r/w Section 500 of IPC.

4. The cognizance order was challenged before the III Additional District and Sessions Court, Tiruvallur at Poonamallee in Crl.R.C.No.34 of 2021. The Court below, on considering the issue raised by the petitioners, came to the conclusion that the allegation that has been made by the complainant is *prima facie* established.

5. This Court does not find any illegality or infirmity



Crl.O.P.No.12665 of 2023

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with the order passed by the Court below and does not require any interference of this Court. This Court exercising the jurisdiction under Section 482 of Cr.P.C., cannot treat the same as a second revision, which is exclusively barred under Section 397 (2) of Cr.P.C.

6. In the light of the above discussion, this Court does not want to interfere with the order passed by the Court below. Hence, this Criminal Original Petition is dismissed.

19.01.2024

Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
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To
1.The 3rd Additional District Judge, Thiruvallur at Poonamallee.
2.The Judicial Magistrate, Ambattur.

N.ANAND VENKATESH,J.



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Crl.O.P.No.12665 of 2023

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Crl.O.P.No.12665 of 2023

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