

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 402 of 2014

M.Palanivel

.. Petitioner

Versus

1. Malathi
2. Vijayalakshmi
3. N.Dhanapal
4. D.Vasanthi
5. N.Dhanaraj
6. Siva Nandhini Jeeva
7. Panneer Selvam

.. Respondents

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records on the file of the learned Judicial Magistrate, No.I, Attur, Salem District in CrI.MP.No.4678 of 2013 dated 27.01.2014 and set aside the order dated 27.01.2014.

For Petitioner : Mr. E.Kannadasan

For Respondents : Mr. N.Manokaran

ORDER

The petitioner/complainant has filed the above Criminal Revision Petition challenging the order dated 27.01.2014 made in CrI.MP.No.4678 of 2013 on the file of the Judicial Magistrate No.1, Attur, Salem District.

2. The petitioner has given complaint against the respondents for the offence under Section 323, 324, 147, 148, 447, 448, 497, 341, 379, 382 and 506(2) IPC and the same was taken on file in CMP.No.4678 of 2013 by the learned Judicial Magistrate No.1, Attur. After examination of P.W.1 and P.W.2, the learned Magistrate dismissed the complaint holding that no prima facie case has been made out against the respondents and that the complaint has been filed as a counter blast to the earlier complaint given by the first respondent against the petitioner and his relatives, which is pending in C.C.No.108 of 2013. Aggrieved over the said order, the petitioner has filed this revision.

3. The learned counsel for the petitioner submitted that the Court below has not taken into consideration the specific allegations made against the relatives of the first respondent and simply dismissed the petition without going into the details of the complaint given by him.

4. The learned counsel for the respondents submitted that no specific overt act has been made against the respondents and, therefore, the Court below has rightly dismissed the petition holding that no prima facie case has been made against them. The learned counsel for the respondents further submitted that the involvement of the respondents have not been clearly established by the petitioner. Therefore, the learned counsel prayed for dismissal of the revision.

5. I heard the learned counsel for both sides and perused the materials placed on record.

6. The main grievance of the petitioner is that the court below failed to take into consideration the specific allegations made against the relatives of the first respondent.

7. First of all, the complaint itself has been given by the petitioner belatedly. Admittedly, the first respondent has already given complaint against the petitioner herein and his relatives and the same was taken cognizance and pending in C.C.No.108 of 2013. Therefore, it is clear that the petitioner, in order to protect himself from the case in C.C.No.108 of 2013, has given the present complaint. Further, as rightly pointed out by the Court below, the petitioner himself has admitted that on the date of occurrence, namely, 27.4.2013 no one was available in the house other than him. When the said fact has been admitted, there is no question of involvement of others, which has been clearly pointed out by the Court below. Moreover, as rightly pointed out by the Court below, there is no piece of material available on record to prove that the respondents had committed any offence as alleged by the petitioner. There is no specific overt act attributable on the part of the respondents. Therefore, the Court below has rightly come to the conclusion in dismissing the case filed by the petitioner.

8. In such circumstances, I do not find any reason to interfere with the reasoned order of the Court below.

9. In the result, this Criminal Revision Case is dismissed.

Sd/--

Asst.Registrar (CS IV)

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Sub Asst. Registrar

To

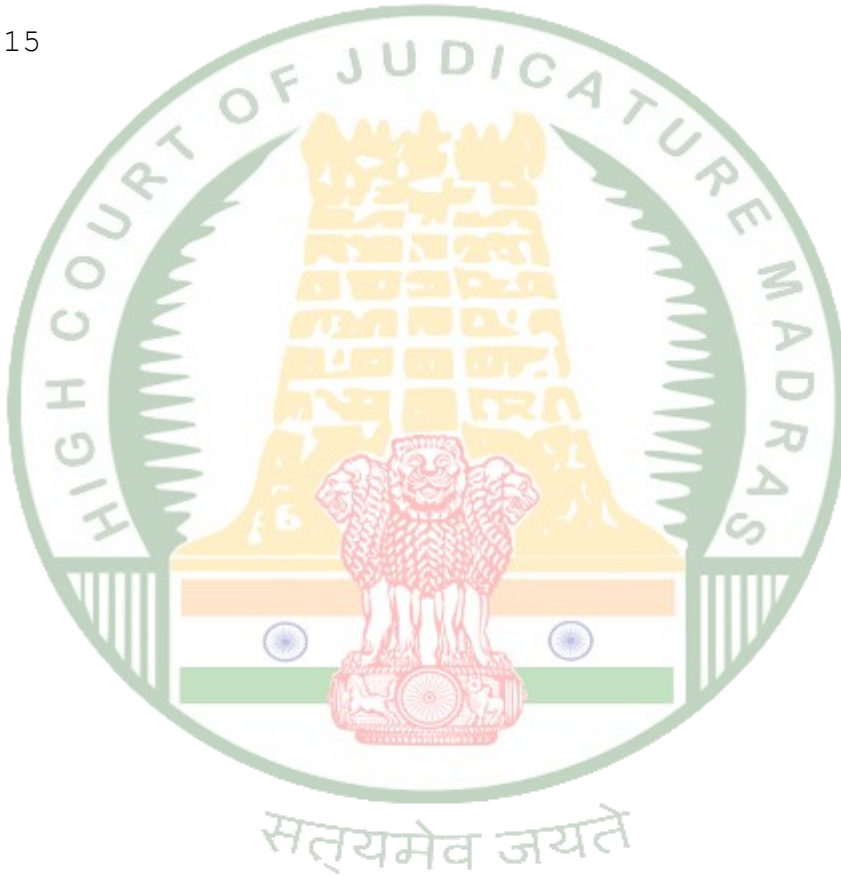
The Judicial Magistrate No.1, Attur, Salem District

+1 cc to M/S.E.Kannadasan, Advocate sr.40801

+1 cc to M/S.Manokaran Advocate sr.41004

Cr1 RC No. 402 of 2014

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