

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1030 of 2013

Tmt.Karpagam

.. Petitioner/Petitioner

Versus

Thiru. Kadhiresan

.. Respondent/Respondent

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records in CMP.No.4187 of 2013 dated 28.6.2013 on the file of Judicial Magistrate, Perambalur and refer the complaint to the jurisdictional police under Section 156(3) of the Code of the Criminal Procedure for registration of the case.

For Petitioner : Mr. S.Kamadevan

For Respondents : No Appearance

ORDER

The petitioner herein has preferred complaint under Section 156 (3) of Cr.P.C. for the offence under Sections 294 (b), 417, 420 and 506(ii) of IPC and by order dated 15.5.2013, the learned Judicial Magistrate, Perambalur, ordered to take the case for enquiry under Section 200 Cr.P.C. The petitioner has not preferred any appeal or revision against the said order. After examination of witnesses, the learned Magistrate, by order dated 28.6.2013, dismissed the complaint on the ground that no prima case has been made out against the respondent. Aggrieved by the said order, the petitioner has filed this revision.

2. Learned counsel for the petitioner would contend that the court below failed to consider that there is a cognizable offence punishable against the accused person and therefore, the Court below ought not to have dismissed the complaint. The leaned counsel for the petitioner would further contend that the Court below erred in coming to the conclusion that the allegations made by the petitioner is civil in nature and there are no documentary evidence placed before the Court with reference to the money received by the respondent. The learned counsel for the petitioner would also contend that the finding of the learned Judge using the abusive language and threat to life will not attract the offences punishable under Section 294 (b) and 506(ii) IPC is erroneous.

3. I heard the learned counsel for the petitioner and perused the materials placed on record.

4. It is the case of the petitioner that the mother of the respondent/ accused was employed as a housemaid in her house and believing her word and being known person, she gave the money to her without obtaining any documents. It is also the case of the petitioner that when the accused approached the petitioner seeking another hand loan, the petitioner refused and at that time, the respondent /accused threatened her with dire consequences.

5. The Court below, on the basis of the material evidence available on record, is entitled to taking cognizance of the offence alleged by the defacto complainant and if there is no case made out, the court below is empowered to dismiss the complaint.

6. In the present case, in the complaint, the petitioner has stated that the entire amount was paid to the accused, who is alleged to be a Head Constable. But the petitioner, in her sworn statement, has stated that the mother of the accused was employed in her house and she requested the money towards the education of her grand son and hence, the money was given to her. The second witness in the evidence has stated that the money was only given to the accused. The court below, after taking into consideration the above discrepancies, has rightly dismissed the complaint. In any event, the order passed by the court below cannot be said to be illegal, perverse or arbitrary and I do not find any reason to interfere with the same. Accordingly, the Criminal Revision Petition is dismissed.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

To

1. The Judicial Magistrate, Perambalur
+1 cc to Mr.S.Kamadevan Advocate sr.44780

Crl RC No. 1030 of 2013

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