

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.786 of 2008

and

MP.Nos. 1 and 2 of 2008

R. Amaravathi .. Petitioner/ defacto complainant

vs

1. State represented by
the Inspector of Police
All Women Police Station
Ambattur,
Chennai -600 053.

2. Sivakami

3. Seethapathy

.. Respondents

Revision Petition filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 02.6.2008 passed by the learned Judicial Magistrate No.II, Poonamallee in C.C.No.3523 of 2004 and set aside the same.

For Petitioner : No appearance

For R1 : Mr.T.Arul

Government Advocate
(Criminal side)

For R2 and R3 : Mr.S.Mohana Krishnan

O R D E R

On 11.7.2014, when the matter was taken up, there was no representation for the petitioner. The matter was again listed today. Even today, there is no representation for the petitioner. Hence, as per the judgment of the Hon''ble Apex Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnataka], if the petitioner do not appear, there is no necessity for the Court, which is hearing the matter, to issue warrant for special notice or appoint any Amicus Curiae to argue the matter on behalf of the petitioner. The Court is empowered to deal with the matter on merits and dispose of the same. Accordingly, this matter is taken up for disposal on merits.

2. The petitioner herein is the defacto complainant and the respondents 2 and 3 are the accused. The petitioner has preferred a complaint before the first respondent police on 21.4.2004 and based on the same, a case was registered against the accused for the

offences punishable under Section 498 (A), 313, 406, 506(i) IPC and 4 of I.D Act in Crime No.5 of 2004 and after investigation, charge sheet has been filed. The learned Judicial Magistrate No.II, Poonamallee has taken the case on file in C.C.No.3523 of 2004 and the same is posted for judgment. While so, the petitioner filed a petition Section 319 Cr.PC. to include the names of the accused 3 and 4 and the same was dismissed stating that the case stand posted for judgment and, therefore, the petitioner has no locus standi to file the present petition.

3. According to the petitioner, the first respondent police deleted the name of the accused 3 and 4 in the charge sheet as they belonged to political party. Therefore, the petitioner now wanted to include the names of the said accused and to re investigate the case.

4. The learned Government Advocate submitted that the case is posted for judgment and the petitioner in order to drag on the proceedings has filed the present petition. Therefore, the learned Government Advocate prays for dismissal of the petition.

5. I have also heard the learned counsel appearing for the respondents 2 and 3 and perused the materials available on record.

6. Admittedly, the case is pending from the year 2008. The petitioner has preferred this revision as against the dismissal of the petition filed under Section 319 Cr.PC. The petitioner wanted to include the accused 3 and 4 as per FIR and to re investigate the case.

7. From the perusal of the records, it appears that the case was posted for judgment and at that stage the application has been filed by the petitioner that too, after filing the written arguments. Therefore, the Court below has rightly rejected the petition.

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

In the result, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
All Women Police Station,
Ambattur, Chennai-53.

Cr1.R.C.No.786 of 2008

MP (CO)
Eu 09.07.15



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