

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28..09..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22100 of 2010

Nagamuthu @ Neethi Nepolian

... Petitioner/Complainant

-versus-

1.Seenuvasan,
Tahildar,
Jayamkondam.

2.Renganathan,
Deputy Tahsildar,
Jayamkondam.

3.Thirumaran,
Tax Inspector,
Jayamkondam.

4.Tamilarasan,
Village Administrative Officer,
Venmankondan.

5.Kasi,
Deputy Tahsildar,
Jayamkondam.

6.Annadurai,
Village Administrative Officer,
Elaiyur.

7.Ramar,
Office Assistant,
Taluk Office,
Jayamkondam.

8.Velmurugan,
Village Officer,
Jayamkondam.

9.Jayaseelan,
Village Officer,
Elaiyur.

10.Masilamani,
Assistant,
Taluk Office,
Jayamkondam.

11.Thangasamy,
Village Administrative Officer,
Tha.Mazhur,
Ariyalur District.

... Respondents

Prayer: This petition is filed under Section 482 of Cr.P.C. praying to call for the entire records relating to the order dated 22.07.2010 passed by the learned Judicial Magistrate, Jayamkondam in the case in Crime No.90 of 2003 registered by the Inspector of Police, Jayamkondam Police Station and to quash the order dated 22.07.2010 passed by the learned Judicial Magistrate, Jayamkondam dismissing the private complaint of the petitioner filed under Section 200 of Cr.P.C.

For Petitioner : Mr.R.Sankarasubbu
For Respondent(s) : Mr.C.Emalias,APP

ORDER

Challenging the order dated 22.07.2010 passed by the learned Judicial Magistrate, Jayamkondam, dismissing the private complaint filed by the petitioner under Section 200 of Cr.P.C. as a protest petition in Crime No.90 of 2003 [registered by the Inspector of Police, Jayamkondam Police Station, Ariyalur District], the complainant has come up with this original petition.

2. It is seen from the records that on the complaint lodged by the revenue officials of Ariyalur District alleging that the petitioner herein had picked up a quarrel with them on 29.08.2002 and caused hurt to one of them, Jayamkondam Police have registered a case in Crime No.495 of 2002 against the petitioner for offences under Sections 294(b), 332 and 307 of IPC. Similarly, the petitioner lodged a complaint on 29.08.2002 itself against some of the revenue officials of Ariyalur District alleging that they have illegally confined him at their office when he had gone there during a special grievance day to submit a representation and had beaten him. But, no case was registered on the complaint of the petitioner. However, the petitioner was arrested in connection with the case in Crime No.495 of 2002 and remanded to judicial custody and that he was later released on bail. Thereafter, Jayamkondam Police on completing the investigation in the case in Crime No.495 of 2002, Police have dropped the penal provision under Section 307 of IPC and filed a final report in C.C.No.239 of 2003 against the petitioner for offences under Sections 294(b), 353 and 506(ii) of IPC before the Judicial Magistrate, Jayamkondam.

3. On a petition moved by the petitioner in CrI.O.P.No.3376 of 2003, this court by ordered dated 06.02.2003 directed the Inspector of Police, Jayamkondam Police Station, to register a case pursuant to which, a case in Crime No.90 of 2003 was registered for offences under Sections 147, 148, 342, 324, 323, 294(b) and 506(ii) of IPC against some of the revenue officials. However, on completing the investigation in Crime No.90 of 2003, Jayamkondam police filed a

closure report on 14.03.2008 before the Judicial Magistrate, Jayamkondam, as "further action dropped". Aggrieved by that the petitioner filed a private complaint as a protest petition in Crime No.90 of 2013 before the Judicial Magistrate, Jayamkondam. The learned Judicial Magistrate who recorded the sworn statement of the petitioner after having perused the sworn statement and the other connected records, dismissed the private complaint challenging which the petitioner is before this court.

4. This court carefully perused the records. It is obvious to this court that the allegations made in the private complaint is incredible and unbelievable. The petitioner claims to be a functionary of AIADMK party. It is alleged by the petitioner that on 29.08.2002 during a special grievance day when he had gone to the District Collectorate to submit a representation, the revenue officials, who were in charge of the special grievance day, not only abused him, but also abused his party leader in filthy language. It is further alleged that the revenue officials locked the Taluk Office from inside and assaulted him.

5. From the available records it is seen that on the contrary a case has been registered against the petitioner on the complaint made by one of the revenue officials as stated above and charge sheet in C.C.No.239 of 2003 was filed before the Judicial Magistrate, Jayamkondam. The learned Magistrate, who had recorded the sworn statement of the petitioner, after having perused the sworn statement of the petitioner and the other connected records, has come to the conclusion that there are no prima facie material making out an offence as alleged in the complaint as against the revenue officials either to order for further investigation in the case in Crime No.90 of 2003 or to entertain the private complaint. Thus, it is crystal clear that this private complaint is a clear abuse of process of law. This court does not find any infirmity or illegality in the order passed by the learned Magistrate and hence, the order passed by the learned Magistrate dismissing the complaint of the petitioner under Section 203 of Cr.P.C. does not warrant interference at the hands of this court.

6. In the result, this criminal original petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Judicial Magistrate, Jayamkondam, Ariyalur District.

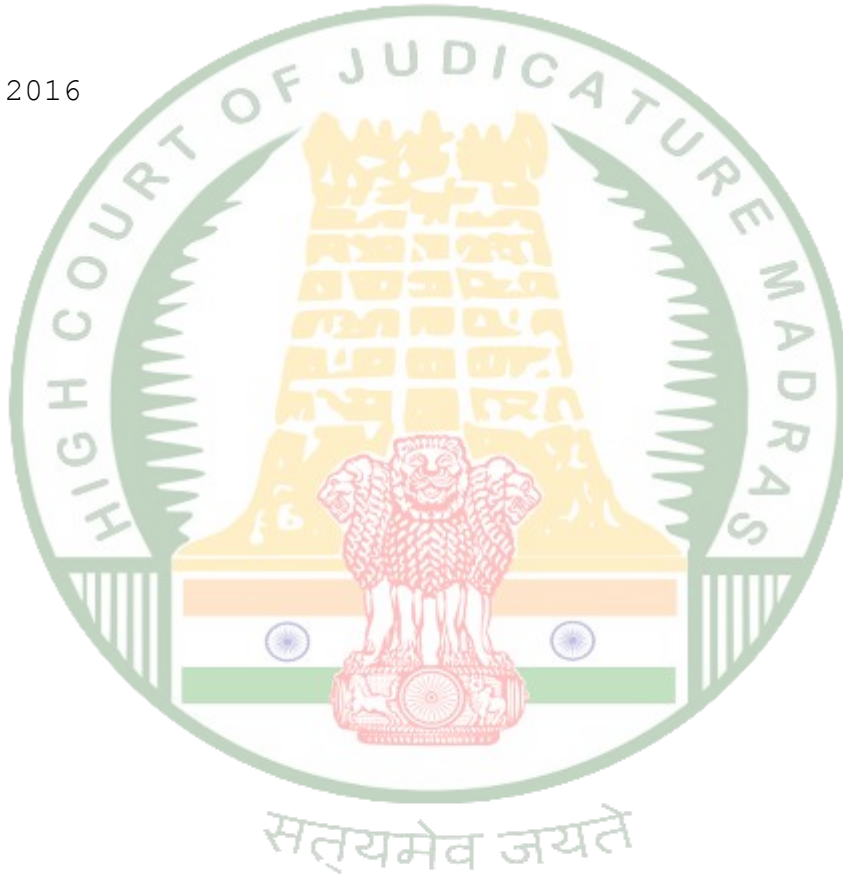
2.-Do- Thro the Chief Judicial Magistrate, Ariyalur.

3.The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.

4.The Public Prosecutor, High Court, Madras.

CrI.O.P.No.22100 of 2010

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pmk.12.11.2016



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