



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.RC (MD) No.385 of 2016

Suresh @ Karuppanan

..Petitioner/Complainant

-vs-

1.Duraipandi

2.Muthu

3.Deiventhiran

4.Murugan

5.Valamalai

6.Pandi

7.Gurumurthy

8.Karthik

9.Kumaran @ Muthu

..Respondents / A1 to A9

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to set aside the order, dated 17.08.2015, passed in C.C.No.79 of 2013, on the file of the learned Judicial Magistrate, Melur, and allow this revision petition.

For Petitioner : Mr.C.Gunasekaran

For Respondents : Mr.R.Anand for R1 to R3, R5, R6 & R9

O R D E R

Multiplication and duplication of cases is a nuisance in the judicial process.

2. A fish pond has become a grave concern. The revision petitioner instituted a private complaint in C.C.No.79 of 2013, before the learned Judicial Magistrate, Melur, as against the respondents. The learned Magistrate conducted enquiry, under Section 200 Cr.P.C., directed issuing of summons to the respondents, under Section 204 Cr.P.C. Since process fee was not paid, the complaint was dismissed under Section 204(4) Cr.P.C., on 17.08.2015. The complainant wants to revise the said order of dismissal in this revision.

3. On the other hand, the learned counsel for the respondents submitted that the very same complainant for the very same matter lodged a complaint with Melur Police. It is also pending. Sofar as the present case in C.C.No.79 of 2013 is concerned, for the past 2 years, he has not paid the process fee. Actually, the revision petitioner has tested the patience of the Magistrate. Few days is understandable. But, 2 years is too much. No strong case has been made out.



4. I have anxiously considered the rival submissions, perused the impugned order and also the materials on record.

5. The revision petitioner and the 1st respondent have become enemies. Revision petitioner instituted the private complaint in C.C.No.79 of 2013, before the learned Judicial Magistrate, Melur, as against the first respondent and his associates.

6. Interestingly, one Muthupandi, who is shorter version of Muthu, who is A2 in C.C.No.79 of 2013, lodged a criminal complaint in Melur Police Station as against the revision petitioner and one Jeyakumar. It has been registered in Crime No.297 of 2009. Similarly, the said Jeyakumar lodged a criminal complaint in Melur Police Station, as against the 1st respondent and his associates and it has been registered in Crime No.298 of 2009. The case in C.C.No.79 of 2013 and the case in Cr.No.298 of 2009 are similar.

7. It seems that in both cases, namely, case and counter-case, Final Reports have been filed before the learned Judicial Magistrate, Melur. In such circumstances, the private complaint case has become redundant.

8. As I said at the outset, let us not multiply the cases. A criminal case comes to the Court from various routes. One of the route is a private complaint under Section 200 Cr.P.C. Once the Magistrate taken cognizance and decided to take further action, he has to issue summons to the accused under Section 204 Cr.P.C. In Section 204(4) Cr.P.C., provisions for payment of process fee has been mentioned and non-payment of it will lead to dismissal of the complaint. The process fee in Criminal Courts will be very minimal. Non-payment of it for 2 years is not understandable. Such kind of inaction cannot be supported. In this view of the matter, the dismissal of the complaint, under Section 204(4) Cr.P.C., by the learned Judicial Magistrate, Melur, is correct.

9. Thus, this revision fails and it is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

To:

The Judicial Magistrate, Melur.

+1cc to M/s.R.Anand, Advocate in SR.31067

+1cc to M/s.C.Gunasekaran, Advocate in SR.30410

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