

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.301 of 2017  
and Crl.M.P.No.2921 of 2017

R.Devadoss

... Petitioner/Accused

Vs.

Mrs.Perandalammal (Deceased)

1. M.Narendrababu

...

Respondents/Complainant

Prayer:- This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 10.01.2017 made in C.M.P.No.4263 of 2016 in C.C.No.51 of 2011 on the file of the learned Judicial Magistrate-I, Ponneri.

For Petitioner :Mr.J.C.Durairaj

For Respondent :No appearance

O R D E R

Allowing the application filed by the respondent in C.M.P.No.4263 of 2016 in C.C.No.51 of 2011, to substitute him in the place of original complainant, the present revision has been filed.

2.Earlier one Perandalammal, filed a complaint against the petitioner for the offences under section 464,465,466,467,468,406,447 and 474 IPC. Based on the complaint, a case was registered by the District Crime Branch, Thiruvallur in Crime No.34 of 2007 and after investigation, the District Crime Branch Police filed a final report as 'Action Dropped'. Therefore, notice was effected to the defacto complainant and based on the protest petition filed by her, a further investigation was ordered by the Court below. After investigation, the District Crime Branch Police again filed a final report as 'Action Dropped'. Therefore, the Court below took the protest petition filed by the defacto complainant as a 'private complaint' and directed the complainant to file sworn statement and the Court below took cognizance of the offence and posted the matter for an enquiry. At that stage, the defacto complainant-Perandalammal died on 08.11.2015 and after her death, the second respondent herein, who is claiming to be the

grandson of the defacto complainant filed an application to substitute him as a defacto complainant. The Court below allowed the application and permitted the second respondent to substitute himself as defacto complainant in the place of the deceased. Challenging the above order, the petitioner is before this Court with this revision.

3. Even though notice served on the second respondent and his name printed in the Cause List, none appeared for him. I have heard Mr.J.C.Durairaj, learned counsel for the petitioner and perused the material on record.

4. Admittedly, the private complaint was taken cognizance by the Court below and the matter was posted for enquiry at that time, the complainant died on 08.11.2015 and the second respondent claiming to be the legal heir and grandson of the defacto complainant wants to substitute himself in the place of deceased complainant. The Court below considering the materials on record, allowed him to continue in the place of deceased complainant. Being the legal heir of the defacto complainant, he is entitled to continue the private complaint. Under these circumstances, I find no illegality or irregularity in the order passed by the Court below, hence the revision fails and deserves to be dismissed.

5. In the result, the Criminal Revision is dismissed. Consequently, connected miscellaneous petition is also closed.

-s/d-  
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

The I Judicial Magistrate,  
Ponneri  
+1 CC to M/s. R. Sasikumar, sr 22604

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RK (CO)  
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