

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.523 of 2017

Jegan

... Petitioner

Vs.

1.Sindhu Priya

2.Guruvaiah

3.K.R.Kumar

4.The Inspector of Police

Tiruvannamalai East Police Station.

... Respondents

Prayer:- This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the judgment dated 15.02.2017 made in CrI.M.P.No.1222 of 2017 on the file of the learned II Judicial Magistrate, Tiruvannamalai.

For petitioner :Mr.M.V.Deenadayalan

For 4th Respondent

:Mr.R.Ravichandran

Government Advocate (CrI.Side)

O R D E R

This Criminal Revision has been filed against the judgment passed by the learned II Judicial Magistrate, Tiruvannamalai, in CrI.M.P.No.1222 of 2017 on 12.12.2013, dismissing the petitioner's application filed under Section 156 (3) Cr.P.C.

2.The case of the petitioner is that the petitioner has already given a private complaint against the respondents 1 and 2 in C.C.No.249 of 2015 pending on the file of the learned II Judicial Magistrate, Tiruvannamalai. On 16.12.2016, while the petitioner having his lunch at Nala Residency Hotel at Tiruvannamalai, the accused called him over phone and came to the hotel and threatened him to withdraw the case. In the above circumstances, a complaint on 17.12.2016, sent a complaint through courier to the Tiruvannamalai East Police Station. Since, no action was taken, he sent another letter to the Superintendent of Police, Tiruvannamalai on 28.12.2016 and also

another letter on 13.01.2017. Despite several complaints, since no action has been taken, he filed a petition n CrI.M.P.No.1222 of 2017 under section 156(3) Cr.P.C, seeking for a direction to take action against the respondents. The Court below dismissed the above petition. Challenging the same, the present revision has been filed.

3.I have heard Mr.M.V.Deenadayalan, learned counsel for the petitioner and R.Ravichandran, learned Govt. Advocate (CrI.Side) appearing on behalf of the fourth respondent and perused the materials on record.

4.The learned Govt. Advocate on instruction from the respondent submitted that on 16.12.2016, while the defacto complainant was taking lunch at the hotel, the accused went there and threatened and the first respondent also threatened him to withdraw the case against them. Immediately, the petitioner filed a complaint and based on that, the Inspector of Police, Tiruvannamalai East Police Station registered a case in Crime No.875 of 2016 for an offence under section 4 of Tamil Nadu Prohibition and Harassment of Women Act and also under Section 506(i) IPC and the investigation is in progress. Only then the petitioner gave a complaint and subsequently approached the Court below seeking direction to take action against the complaint.

5.I have considered the rival submissions made by the learned counsel on either side. Since the allegation is said to have taken place on 16.12.2016, the petitioner did not take any steps to file a complaint immediately. Subsequently, on 17.12.2016, he is said to have sent a complaint through courier for which no proof has been filed. Thereafter another letter was sent to the Superintendent of Police for the same through courier. The respondent herein had already lodged a complaint to the respondent police alleging that the petitioner only threatened and a case was registered against him. Hence, taking into consideration of all the above evidences, the Court below has come to a conclusion that the present complaint has been given by the petitioner only as counter blast for the complaint given by the respondent.

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6.Considering the above facts and circumstances, I find no illegality or irregularity passed by the Court below and the revision is liable to be dismissed. Accordingly, the Criminal Revision is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The II Judicial Magistrate,
Tiruvannamalai.

2 The Inspector of Police,
Thiruvannamalai East Police Station,

3.The Public Prosecutor,
High Court, Madras

sai (CO)
md(28/04/2017)

Criminal Revision No.523 of 2017

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