



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C (MD) .No.689 of 2017

Pachaimal

... Petitioner/Complainant

Vs.

1.Ponnuchamy

2.Amirtharaj

3.Prabakar

4.Muniyasamy

... Respondents/Accused

Prayer : Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to call for the records from the lower Court and set aside the impugned order passed in Cr1.M.P.No.1841 of 2017 dated 23.06.2017 on the file of the Judicial Magistrate, Sivagiri, Tirunelveli District.

For Petitioner : Mr.P.Muthusamy

O R D E R

This Criminal Revision Case has been filed challenging the order, dismissing the petitioner's application filed under Section 190(1)(a) and 200 Cr.P.C.,

2.The case of the petitioner/complainant is that there is a dispute between the petitioner and his son Ayyanar regarding possession of a residential house. On 25.03.2017, the petitioner's son and her daughter-in-law have trespassed into his house and beaten him. Hence, he has given a complaint before the police. Based on the complaint, the respondents 2 and 3 herein, who are the Sub Inspector of Police and Constable of Sivagiri Police Station conducted investigation and they have also gone to the house of the petitioner and threatened him to hand over the keys of the house to his daughter in law. Subsequently, they have not taken any action on the complaint given by the petitioner. Hence he made representations to various authorities and finally a case was registered in Crime No.72 of 2017 for the offence under Sections 452, 294(b), 323 and 506(ii) IPC against his son and daughter-in-law of the petitioner. Since the respondents herein who are the police officials, have conspired together with the son and daughter-in-law of the petitioner, they have also committed the offence under Sections 452, 294(b), 323 and 506(ii) read with 109 IPC. The Court below after considering the complaint and sworn in statement of the petitioner, dismissed the complaint under Section 203 Cr.P.C., Challenging the same, the present Criminal Revision Case has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.I have heard Mr.P.Muthusamy, learned counsel appearing for the petitioner and perused the records carefully.



4. On a perusal of the records it could be seen that absolutely there is no materials to show that the respondents have committed the offence as stated above and only based on the complaint given by the petitioner, the respondents 2 and 3 went to the house of the petitioner, conducted investigation and subsequently registered First Information Report against the accused persons. There is no materials available on record to show that the respondents have conspired together with the son and daughter-in-law of the petitioner and abetted them to commit crime. The Court below after considering the materials available on record, has rightly dismissed the petition. Hence, I find no illegality or irregularity in the order passed by the Court below.

5. In fine, this Criminal Revision Case is dismissed. However, since the complaint given by the petitioner in Crime No.72 of 2017 is pending on the file of the Inspector of Police, Sivagiri Police Station, the Inspector of Police, Sivagiri Police Station is directed to complete investigation and file final report within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Sivagiri,
Tirunelveli District.

2.-Do-Thro' The Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.

+1cc to Mr.P.MUTHUSAMY Advocate in SR. No. 75463

MJ

JS/KP/SAR.1/28.09.2017/2P-5C

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