



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C (MD) .No.868 of 2013

Appasamy ... Petitioner/Defacto Complainant

-Vs-

1.Arumugam

2.Raja (minor)

Represented by its father

Arumugam

... Respondents/Accused

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, call for records and set aside the order passed in Cr1.M.P.No.6733 of 2012 in Crime No.263 of 2011 on the file learned Judicial Magistrate No.I, Kovilpatti order dated 20.12.2012.

For Petitioner : Mr.V.Karthikeyan for
Mr.S.V.Sampath Kumar

For Respondents : No appearance

O R D E R

Challenging the order dismissing the petition for further investigation, filed under Section 156(3) Cr.P.C, the present criminal revision case has been filed.

2.Earlier based on a complaint given by the petitioner, a crime has been registered against the respondents in Crime No.263 of 2011 under Sections 147, 148, 455, 294 (b) 506 (ii) of I.P.C. After investigation, the respondent police filed a final report against A-2 alone and closed the complaint in respect of A1 as mistake of fact. Therefore, the petitioner filed a petition for further investigation. That petitioner was dismissed by the learned Judicial Magistrate No.I, Kovilpatti. Challenging the same, the present revision case has been filed.

3.I have heard Mr.V.Karthikeyan, learned counsel appearing for the petitioner and perused the records carefully. No representation for the respondents.

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

4.The learned counsel appearing for the petitioner



submitted that there are sufficient materials available during the investigation to show that A1 only attacked the petitioner and caused injuries. The Investigating Officer, without considering the materials available on record, has closed the complaint in respect of A1 alone.

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5.From the materials available on record and the statement of the witnesses, the Court below has come to a conclusion that only the petitioner tried to attack A-1 and A-1 prevented him and retaliated. Absolutely, there is no material to show that A-1 has attacked the petitioner. Hence, the Court below dismissed the petition in respect of A-1 and directed the respondent police to proceed with A2, who said to have attacked the petitioner. In the above circumstances, I find no illegality or irregularity in the order passed by the court below. Hence, there is no merit in the revision and the same is liable to be dismissed.

6.Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Kovilpatti.

+1 cc to Mr.V.Perumal , Advocate in SR.No. 64860

vs

AE/SV/SAR2/21.07.2017/2P/3C

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