

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 25.07.2018]

[Pronounced on : 28.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.535 of 2018

Sudha Petitioner/De facto Complainant

... Vs ...

The Station House Officer,
Sub-Inspector of Police,
Siruppakkam Police Station,
Cuddalore District.
(Crime No.124 of 2017) Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. against the order dated 02.04.2018 passed by the learned Judicial Magistrate No.I, Vridhachalam, in C.M.P.No.1581 of 2018 in R.C.S.No.357 of 2017.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.R.Surya Prakash,
Government Advocate

ORDER

The de facto complainant, who is the revision petitioner herein, has filed this Criminal Revision Case against the order of dismissal passed by the learned Judicial Magistrate No.I, Vridhachalam, in the protest petition filed in C.M.P.No.1581 of 2018.

2. The case of the revision petitioner herein/de facto complainant is that she has lodged a complaint before the respondent police on 03.08.2017 alleging that due to personal enmity, she and her husband were waylaid near Mariyamman temple on 03.08.2017 at around 3.00 p.m. by one Velmurugan and 10 others and attacked severely, pushed down the revision

petitioner and dragged her by pulling hair and Saree thereby outraged her modesty and also abused in filthy language and threatened with dire consequence.

3. On a perusal of records, it is seen that this Court by an order dated 13.09.2017 has given a direction to register FIR and as a result of which, a case in Crime No.124 of 2017 came to be registered on 23.09.2017 against 11 accused for the alleged offences punishable under Sections 147, 341, 294(b), 323, 506 (i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The investigating officer took the matter for investigation, proceeded to the scene of occurrence on 23.09.2017 and prepared observation mahazar and rough sketch in the presence of witnesses namely Durairaj and Muthukaruppan. Then he examined the other witnesses namely, Sudha, Muthurasu, Raja, Pichaipillai, Periyasamy, Jayakodi and obtained statements from them. Except Sudha, the other witnesses have stated that no such occurrence took place. After completion of investigation, a negative final report came to be filed as mistake of fact.

4. On consideration of the negative final report filed by the respondent police, the trial Court has observed that the Investigating Officer has examined six witnesses and except the revision petitioner herein/de facto complainant, none of them have stated about the alleged occurrence and it is also observed that even the husband of the de facto complainant namely, Muthurasu has stated that no such occurrence took place and accordingly, the learned Magistrate appears to have accepted RCS No.357 of 2017 filed by the petitioner herein and consequently, dismissed C.M.P.No.1581 of 2018.

5. Learned counsel appearing for the revision petitioner submitted that the learned Magistrate ought to have treated the protest petition as a private complaint as contemplated under Section 200 of Cr.P.C. and ought to have examined the de facto complainant and the witnesses before passing the impugned order.

6. I have given my anxious consideration to the said contention. After perusing the records and the FIR in Crime No.124 of 2017 dated 22.09.2017 on the file of the respondent police and the referred charge sheet filed by the respondent police and also the protest petition filed by the de facto complainant, I am of the considered view that on factual background, this is not a fit case for entertaining the revision. Accordingly, the reason assigned by the learned Judicial Magistrate No.I, Vridhachalam, is well considered and well merited on the factual background and it does not call for any interference by this Court. Accordingly, this Criminal Revision Case is liable to be dismissed.

7. In the result, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Judicial Magistrate No.I,
Vridhachalam.
2. The Station House Officer,
Sub-Inspector of Police,
Siruppakkam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.535 of 2018

br [co]
srg 12/09/2018

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