



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.121 of 2018

and

Crl.M.P. (MD) No.1573 of 2018

S.Amutha

...Petitioner/1st Respondent/1st Accused

vs.

1.Kasumeraj

2.Soosaimanickam

3.Katvin Raj

4.Anthonisamy

...Respondents 1 to 4/Respondents 2 to 5/
Accused 2 to 5

5.The State represented

By Sub-Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Ramnad District.

... 5th Respondent/5th Respondent/
Complainant

6.Selvaraj

... 6th Respondent/Petitioner/Defacto
Complainant

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order passed in Cr.M.P.No.3709 of 2011 in Crime No.169 of 2016 on the file of District Munsif cum Judicial Magistrate, Thiruvadanai dated 06.01.2018.

For Petitioner :Mr.R.Sundar

For 5th Respondent :Mrs.S.Bharathi

Government Advocate (Criminal side)

O R D E R

On the complaint lodged by Selvaraj, the respondent police registered a case in Crime No.169 of 2016 on 29.09.2016 under Sections 147, 294(b), 323 and 506(ii) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 against Amutha and four others. After completing the investigation, the police filed closure report on 06.03.2017 before the District Munsif cum Judicial Magistrate, Thiruvadanai. On notice to the defacto complainant, a protest petition was filed. It is stated that during the pendency of this petition, another protest petition was filed, in which, the District Munsif cum Judicial Magistrate, Thiruvadanai has directed further investigation in Crime No.169 of 2016 by the impugned order, aggrieved by which, the first accused has filed the present Criminal Revision Case.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the fifth respondent.

3. The facts remain that police have found that there are no materials against the accused. Therefore, they have filed a closure report. Of course, the defacto complainant has a right to file protest petition and the Magistrate can order further investigation. The order of further investigation by the Magistrate cannot be subject matter of challenge, because the accused has no say in that. Even in the further investigation, the police may file a report in favour of the accused.

4. In such view of the matter, this Criminal Revision Case is closed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

The District Munsif cum Judicial Magistrate,
Thiruvadanai.

+1cc to Mr. R. Sundar, Advocate SR.No.53260

SJ

VB/KK/SAR4/15/03/2018/2P/3C

Cr1.R.C. (MD) No.121 of 2018
and
Cr1.M.P. (MD) No.1573 of 2018
05.03.2018