



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.17 of 2018

and

Crl.M.P.(MD) No.202 of 2018

S.K.Venkattassapandian ... Petitioner / De facto Complainant

Vs.

1. The Inspector of Police
Aravayal Police Station
Sivagangai District

2. Sornalingam

3. Deivaneedhi ... Respondents / Respondents

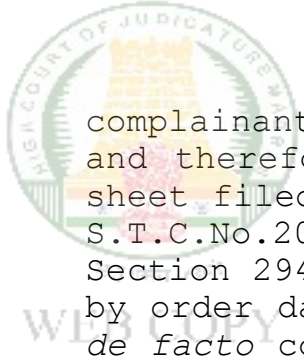
PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records relating to impugned order dated 16.11.2016 in Register No.201 on the file of the learned Judicial Magistrate, Devakottai and set aside the same.

For Petitioner : Mr.S.Ravi

For Respondents : Mr.M.Asokan
Government Advocate (Crl.Side) for R1
Mr.P.Kannadasan for R2 & R3

O R D E R

The petitioner lodged a complaint alleging that Sornalingam / A1 and his wife Deivaneedhi / A2 had abused his mother Periyannayagi, aged about 85 years, on 13.01.2016, around 01.00 p.m. On the said complaint, the respondent - Police registered a case in Crime No.16 of 2016, on 01.02.2016, under Section 294(b) I.P.C., against the said Sornalingam / A1 and his wife Deivaneedhi / A2. After completing the investigation, the Police filed a charge sheet against Sornalingam leaving out his wife Deivaneedhi. The learned Judicial Magistrate, Devakottai, issued notice to the petitioner / de facto complainant. However, the petitioner / de facto



complainant did not appear before the learned Judicial Magistrate and therefore, the learned Judicial Magistrate accepted the charge sheet filed by the respondent - Police and took the same on file in S.T.C.No.2059 of 2016 and took cognizance of the offence under Section 294(b) I.P.C., and issued process to Sornalingam / A1 alone, by order dated 16.11.2016. Aggrieved by the same, the petitioner / *de facto* complainant has filed the present revision with a delay of 260 days, which has been condoned by this Court, by order dated 09.01.2018 in CrI.M.P.(MD) No.10118 of 2017 in CrI.R.C.(MD) No.SR32222 of 2017.

2. Heard Mr.S.Ravi, learned counsel for the petitioner / *de facto* complainant, Mr.M.Asokan, learned Government Advocate (Criminal Side) for the first respondent and Mr.P.Kannadasan, learned counsel for the respondents 2 and 3 and perused the materials filed in the form of typed set.

3. The allegation of the petitioner / *de facto* complainant is that the accused had abused his mother on 13.01.2016. Admittedly, the petitioner / *de facto* complainant and the accused are neighbours and they belong to the same community and also relatives. In a case arising under Section 294(b) I.P.C., oral insult by using certain particular words in a public place will not be done in chorus. Therefore, this Court does not find any infirmity in the order passed by the Trial Court accepting the final report filed by the respondent - Police as against Sornalingam leaving out Deivaneedhi. In such view of the matter, the criminal revision is devoid of merits and it is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Devakottai.
2. The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Krk

MV:GT:SAR2:23/01/2018/2P/4C

CrI.R.C. (MD) No.17 of 2018

and

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