



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Cr1.R.C. (MD) No.3 of 2018

1.Sivathasamy
2.Karthikai Selvi : Petitioners/Petitioners

Vs.

1.Muthupandi
2.Guruvammal
3.Gomathi
4.Mahadevan : Respondents/Respondents

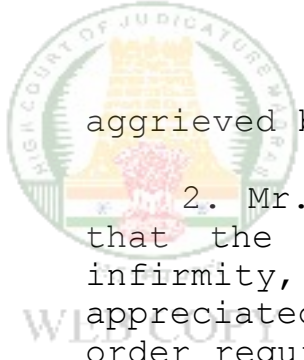
PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records relating to the order passed by the learned District Munsif -cum-Judicial Magistrate, Ilayangudi in Cr.M.P.No.1096 of 2016, dated 09.11.2016 and set aside the same.

For Petitioners : Mr.V.Kannan

For Respondents 2to4 : Mr.D.Sasi Kumar

ORDER

On the complaint lodged by Muthupandi, the Special Sub-Inspector of Police, Ilayangudi Police Station registered a case in Crime No.257 of 2012 under Sections 294(b), 323, 324 and 506 (II) of the Indian Penal Code against the petitioners herein and after completing the investigation, a charge sheet was filed in C.C.No.21 of 2013 before the learned District Munsif -cum-Judicial Magistrate, Ilayangudi, in which, the petitioners were acquitted. It is the case of the petitioners that Muthupandi, the first respondent herein had given a false complaint and had also given false evidence before the Court and, therefore, the petitioners filed a private complaint, which was taken on file as Cr.M.P.No.1096 of 2016 by the learned District Munsif -cum-Judicial Magistrate, Ilayangudi for the offence under Section 500 of the Indian Penal Code. On behalf of the complainants, two witnesses were examined and thereafter, the learned Magistrate dismissed the private complaint, by order dated 09.11.2016,



aggrieved by which, this revision has been filed.

2. Mr.V.Kannan, learned counsel for the petitioners submitted that the order of the learned Magistrate suffers from legal infirmity, inasmuch as the learned Magistrate has not properly appreciated the evidence of C.W.1 and C.W.2 and, therefore, the order requires to be interfered with.

3. This Court perused the records.

4. Admittedly, the first respondent had lodged a complaint, based on which, First Information Report was registered and during trial, the accused were acquitted. In every case of acquittal, it does not mean that a false complaint has been given by the complainant. Acquittals can take place for various reasons and if there is any false evidence given by a witness, it is for the Court to take appropriate action for perjury in accordance with Sections 195 and 340 of the Code of Criminal Procedure. In such view of the circumstances, a case of defamation may not arise in the facts and circumstances of the present case and, therefore, the order of the Trial Court does not warrant interference at this stage.

5. In the result, this Criminal Revision Case is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Munsif -cum-
Judicial Magistrate,
Ilayangudi.

SML

AE/MR/SAR4/22.01.2018/2P/2C

Order made in
Cr1.R.C. (MD) No.3 of 2018
Dated: 05.01.2018