



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD) No.6 of 2018

Bathrujamal ... Petitioner / De facto Complainant

vs.

1.State

rep.by Inspector of Police
Athirampattinam Police Station
Thanjavur District
(Crime No.148 of 2012)

... 1st Respondent / Complainant

2.Sikapudeen

3.Shahul Hameed

4.Veeraraghavan

... 2,3 and 4th Respondents / Accused

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records of the learned Judicial Magistrate, Pattukkottai, by its order, dated 20.07.2017 in R.C.S.No.28 of 2017 and set aside the same.

For Petitioner : Mr.M.Viji

For Respondent No.1 : Mr.M.Asokan

Government Advocate (Cr1.Side)

O R D E R

The petitioner filed a petition, under Section 156(3) Cr.P.C., before the learned Judicial Magistrate, Pattukkottai and on the direction of the learned Judicial Magistrate, the respondent - Police registered a case in Crime No.148 of 2012, under Sections 147, 148, 447, 307, 395 and 398 I.P.C., r/w Section 3 of TNPPDL Act against one Sikapudeen and two named others and fifteen unnamed others. After completion of investigation, the respondent - Police filed a closure report, before the learned Judicial Magistrate, Pattukkottai, closing the case in Crime No.148 of 2012 as mistake of fact. On notice, the petitioner / de facto complainant filed a protest application before the learned Judicial Magistrate, Pattukkottai, in R.C.S.No.28 of 2017.

2. After hearing the learned counsel for the petitioner / de facto complainant and perusing the materials, the learned Judicial Magistrate, Pattukkottai, by order dated 20.07.2017, accepted the closure report filed by the respondent - Police and rejected the



protest application filed by the petitioner / de facto complainant. Challenging the same, the petitioner / de facto complainant has filed the present revision.

3. Heard the learned counsel for the petitioner / de facto complainant and perused the materials filed in the form of typed set.

4. The learned counsel for the petitioner / de facto complainant submitted that the Trial Court has failed to appreciate the fact that the accused had indeed taken away the timber logs from the sawmill of the petitioner after threatening his wife. Further, the learned counsel for the petitioner / de facto complainant submitted that the accused along with his henchmen had caused damage to the sawmill of the petitioner and therefore, the Trial Court ought to have rejected the closure report filed by the respondent - Police and taken cognizance of the offences against the accused.

5. This Court gave its anxious consideration to the submissions of the learned counsel for the petitioner / de facto complainant.

6. It is seen that the complaint in this case itself was lodged under Section 156(3) Cr.P.C., and thereafter, on the directions of the learned Judicial Magistrate, Pattukkottai, F.I.R., came to be registered in Crime No.148 of 2012 as stated above. Even in the complaint / petition, the petitioner / de facto complainant has stated that there was a dispute between him and the accused in respect of running Fayas Sawmill and in connection with which, a civil suit was filed before the learned District Munsif, Pattukkottai, in O.S.No.46 of 2005 and the said case ended against the petitioner / de facto complainant and in favour of the accused.

7. On a reading of the complaint, it is seen that no one had suffered any injury. The petitioner / de facto complainant has stated that when his wife tried to run away, she slipped and fell down and sustained injuries. Thus, the complaint itself does not inspire the confidence of this Court for issuing direction as prayed for by the petitioner / de facto complainant.

8. The Trial Court has perused the materials produced by the respondent - Police, which show that the first accused had always been in Chennai with regard to his business and that he used to come rarely to Athirampattinam. The Trial Court has also noted that except the petitioner / de facto complainant, none of the witness examined by the respondent - Police had supported the revision of the order by the petitioner / de facto complainant. Thus, there is no infirmity in the order passed by the Trial Court warranting interference. In such view of the matter, the criminal



revision is dismissed with liberty to the petitioner / de facto complainant to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar

To:

- 1.The Judicial Magistrate,
Pattukkottai.
- 2.The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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JM/SV MMS/SAR 2/22.01.2018/3P/4C