



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI. R.C.(MD)No.304 of 2017

N.Mohan

... Petitioner

-Vs.-

1.Mrs.Vijayalakshmi,
Inspector of Police,
All Women Police Station,
Melur, Madurai District.

2.Mrs.Periyathai,
Sub-Inspector of Police,
All women Police Station,
Virudhunagar District.

3.Mr.Ramasubbu, Constable,
Soolakarai Police Station,
Virudhunagar District.

4.Mr.Paulraj, Constable,
Soolakarai Police Station,
Virudhunagar District.

5.Mr.Ramaraj,
Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.

...Respondents / Accused

Prayer: Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.238 of 2017 dated 28.02.2017 passed by the learned Judicial Magistrate No.II, Virudhunagar and set aside the same.

For Petitioner

: Mr.Pandi Durai

For R-1

: M/s.V.Karthigai Priya

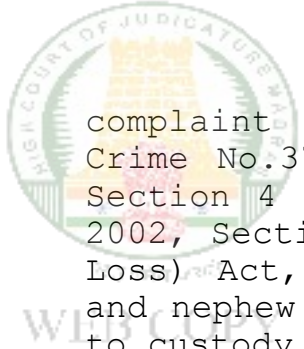
for Mr.K.P.Narayana Kumar

For R-2 to R-5

: No appearance

O R D E R

For the sake of convenience, the parties will be referred to by their name.



complaint given by Varalakshmi, the police registered a case in Crime No.370 of 2016 under Section 294(b), 323, 506(1) I.P.C. and Section 4 of the TamilNadu Prohibition of Harassment of Woman Act, 2002, Section 3 of TamilNadu Public Property (Prevention of Damage & Loss) Act, 1992 against the petitioner, his wife, namely, Nirmala and nephew Balaji and arrested Nirmala and Balaji and remanded them to custody.

3. The case was under investigation by Vijayalakshmi, Inspector of Police, Thiruthangal Police Station. While so, it is alleged that this petitioner sent a flower bouquet to Vijayalakshmi, Sub-Inspector of Police, Thiruthangal Police Station through his cousin, namely, Lakshmanan and also sent a Thirukkural couplet. Incensed at that, a case in Crime No.192 of 2016 under Section 294 (b) of the Indian Penal Code, Section 4(1)(j) of the TamilNadu Prohibition Act and Section 4 of TamilNadu Prohibition of Harassment of Woman Act, 2002, was registered against this petitioner and he was arrested and remanded to custody. Thereafter, the petitioner was released on bail.

4. After release on bail, the petitioner filed a quash application, in which, this Court had granted stay of the First Information Report in Crime No.192 of 2016. While so, Mohan filed a private complaint in Cr.M.P.238 of 2017 before the learned Judicial Magistrate No.II, Virudhunagar for the offences under Sections 294 (b), 325, 342, 560(i) and 379 against Vijayalakshmi-Inspector of Police, Periyathai-Sub-Inspector of Police, Ramasubbu-Constable Paulraj-Constable, Ramaraj-Inspector of Police, alleging that they illegally arrested him, detained him in custody, assaulted him and took away his I-pad.

5. On behalf of Mohan, the sworn statement of three witnesses were recorded.

6. After considering the materials on record, the learned Judicial Magistrate No.II, Virudhunagar dismissed the private complaint by order dated 28.02.2017, aggrieved over by which, Mohan has filed the present Criminal Revision Case.

7. Heard Mr.Pandi Durai, learned counsel appearing for Mohan and M/s.V.Karthigai Priya, learned counsel appearing for the first respondent.

8. Mr.Pandi Durai, learned counsel appearing for the petitioner submitted that the trial Court failed to appreciate the evidence adduced by the petitioner against the respondents / accused and that the trial Court should have entertained the private complaint and ought to have dealt with the accused in accordance with law.



9. Per contra, the learned counsel for the first respondent / accused refuted the contention.

10. This Court gave its anxious consideration to the rival submissions.

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11. The fact remains that the same police have registered a case in Crime No.370 of 2016 on the complaint of Varalakshmi against the petitioner. Thereafter, it is alleged that to square of that case, the petitioner had sent a flower bouquet and Thirukkural couplet to the Woman Inspector of Police. For the second act, a case in crime No.192 of 2016 was registered against this petitioner, which this Court has stayed.

12. The trial Court has relied upon the medical records, which would show that the allegation that the petitioner's fingers were broken, was not true. That apart, in the sworn statement of the three witnesses examined on behalf of the petitioner, contradictory versions have been given. In such circumstances, the trial Court refused to take cognizance of the offences by the impugned order.

13. This Court also perused the statement of the three witnesses and it does not inspire the confidence of this Court. Hence, this Court does not find any infirmity in the order passed by the Court below warranting interference in the Criminal Revision Case.

14. In such view of the matter, this Criminal Revision Case is devoid of merits and dismissed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II,
Virudhunagar.

+1cc to Mr.T.LAJAPATHIROY, Advocate, SR.41286

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR.41279

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