



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) Nos.576 and 577 of 2017

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Ashokkumar

... Petitioner /Defacto Complainant
in both Crl.R.Cs,

Vs.

1.Sarath Vijayaraghavan

2.Srinivasan

3.Kuppusamy

4.Raja

5.Ravichandran

... Respondents in Crl.R.C.(MD) No.576 of 2017

1.Sarath Vijayaraghavan

2.Srinivasan

3.Kuppusamy

4.Vincent Jeyaraj

... Respondents/Accused in

Crl.R.C.(MD) No.577 of 2017

COMMON PRAYER: The Criminal Revision Case filed under Section 397 r/w Section 401 of the Code of Criminal Procedure, to set aside the order of the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.Nos.5777 and 5778 of 2016 dated 19.04.2017 and issue a direction, directing the learned Magistrate, to examine the complainant and the other witnesses on oath before summoning the accused.

For Petitioner

in both Crl.R.Cs., : Mr.S.Radhakrishnan

For R1, R2 & R5

in both Crl.R.Cs., : Mr.C.Muthusaravanan

COMMON ORDER

These petitions have been filed to set aside the order of the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.Nos.5777 and 5778 of 2016 dated 19.04.2017 and to direct the learned Magistrate to examine the complainant and the other witnesses before summoning the accused.

2.Heard the learned counsel on either side.

3.The matter relates to the complaint given under SC/ST Act. The first complaint was given to a political party on 15.05.2013. The second complaint was given to the National Commission for SC/ST on 25.07.2013. The third complaint was given to the IOP, PCR, Madurai on 20.01.2014.



4.The grievance of the petitioner herein is that none of his complaint was acted upon and therefore, he has given a complaint to the respondent police to register the complaint and investigate.

5.From the typed set of papers circulated by the learned counsel for the respondents, this Court finds that on 11.02.2014 in CrI.O.P.(MD) No.1496 of 2014, this Court directed the Inspector of Police, B5 South Gate Police Station, Madurai to investigate the complaint and if there is a prima facie case made out and if any cognizance offence is made out, the case can be registered. In case of closure of the complaint, it is open to them to forward the same to the complainant to take appropriate action in accordance with law.

6.From the records, it is found that the complaint given by the petitioner, after investigation found to be frivolous and regarding the action dropped report, the same has been intimated to the petitioner herein. Two complaints, which were investigated by the respective police and closed as mistake of fact, were produced by the petitioner in Cr.M.P.(MD) Nos.5777 and 5778 of 2016.

7.As far as the protest petition filed under Section 190 r/w 200 Cr.P.C., in Cr.M.P.(MD) No.5778 of 2016 is concerned, the learned Magistrate, after examining the complainant, found that the petitioner has not furnished any document in support of his complaint and also found that there is no material to proceed further and therefore, he has passed an order under Section 203 Cr.P.C., dismissing the complaints.

8.On perusal of the records as well as the representation made by the learned counsel for the petitioner, this Court could not find out any cognizable materials available to proceed further. Yet another contention raised by the petitioner herein is that the community certificate of the petitioner is withheld by the third respondent and the fifth respondent promised to arrange for getting the said community certificate and also get compensation from the first respondent. This sort of arrangement, which has nothing to do with investigation cannot be taken note of for cognizance by the Court. Therefore, both the revision cases are dismissed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

<https://hcservices.courts.gov.in/hcservices/>
The Judicial Magistrate No.IV,
Madurai.



+1CC to Mr.S.Radhakrishnan, Advocate, SR.No. 79291
+2CC to Mr.C.Muthusaravanan, Advocate, SR.No.79131

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Cr1.R.C.(MD) Nos.576 and 577 of 2017
20.08.2018

MM

ES/SV/SAR 3/05.09.2018/3P/5C