



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
08.03.2018	20.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.637 of 2017

G.Sakthibalan : Petitioner/Complainant
Vs.

1.G.Arunagiri
S/o.Ganesan,
Tamil Nadu Police,
Police Quarters, Bodinayakanur,
Theni District,
[under the Jurisdiction of Bodi Town Police Station].

2.Navaneethakrishnan,
Tamil Nadu Police,
Police Quarters, Bodinayakanur,
Theni District,
[under the Jurisdiction of Bodi Town Police Station].
: Respondents/Accused

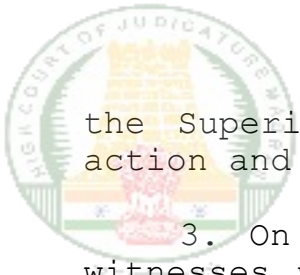
PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records in Cr.M.P.No.4182 of 2017, on the file of the Judicial Magistrate Court, Theni and set aside the order dated 01.08.2017 and allow the Criminal Revision Case.

For Petitioner : Mr.D.Shanmuga Raja Sethupathi
For Mr.P.Muthuvijayapandian
For Respondent : Mr.R.Suriya Narayanan

O R D E R

The petitioner, who is a practising Advocate, filed a private complaint in Cr.M.P.No.4182 of 2017, before the learned Judicial Magistrate, Theni, against the respondents herein, who are police constables attached to the local station.

2. It is the case of the petitioner that on 27.03.2017, his relative died and so, he had joined the funeral rites to the cremation ground; that the respondents made fun of him in the cremation ground during cremation; On 27.03.2017, around 02.45 p.m, after the petitioner returned to his house from the cremation ground, it is alleged that the respondents entered into his house and abused him and went away; that he gave a complaint dated 27.03.2017 to the local police station, but, no action was taken on the complaint and that he gave a representation dated 29.03.2017 to



the Superintendent of Police, Theni, for which also there is no action and hence, the private complaint.

3. On behalf of the petitioner, the sworn statements of five witnesses were recorded. After considering the evidence adduced by the petitioner, the Trial Judge dismissed the complaint under Section 203 of the Code of Criminal Procedure, on 01.08.2017, aggrieved by which, the petitioner has filed the present Criminal Revision Case.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. The learned counsel appearing for the petitioner submitted that the petitioner had submitted credible materials before the Court below, which were not properly considered.

6. Per contra, the learned counsel appearing for the respondents submitted that the Sub-Inspector of Police, Palanichetypatti Police Station, Theni, had registered a case in Crime No.237 of 2017 for the offences under Sections 294(b), 341, 323 and 506(ii) of the Indian Penal Code against the petitioner herein on the complaint given by the first respondent herein alleging that the petitioner had assaulted him on account of which, he sustained injuries and was admitted in the hospital. On this complaint, the investigation has been completed and the charge sheet has also been filed against the petitioner before the concerned Court, on 10.05.2017. While so, the petitioner has filed the present private complaint only as a counter blast.

7. This Court gave its anxious consideration to the above submissions made by the learned counsel on either side.

8. The fact remains that the petitioner is a practising Advocate and therefore, it should be presumed that he knows the nuances of law. Neither in the complaint nor in the sworn statement of the petitioner, except saying that the respondents made fun of him in the cremation ground, there is no other motive alleged against the respondents for assaulting the petitioner. If the allegation of the petitioner that the respondents made fun of him during funeral is true, then, it is the petitioner, who should have a motive against the respondents for that. The witnesses examined on behalf of the petitioner did not speak about the alleged incident in the cremation ground. The petitioner has also not produced any medical evidence to show that he suffered injuries. All these factors have been taken into consideration by the learned Judicial Magistrate, Theni, while dismissing the complaint.

9. In the opinion of this Court, the petitioner has launched this prosecution against the respondents only to thwart the prosecution against him in Crime No.237 of 2017.



10. In the result, this Criminal Revision Case is devoid of merits and it is dismissed accordingly.

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/True Copy/

Sd/-

Assistant Registrar(Crl.Side)

Sub-Assistant Registrar

To

The Judicial Magistrate Court,
Theni.

+One cc to Mr.P.Muthuvijayapandian, Advocate, SR.No.56406

NB

RL/3C/3P/JC/SAR1/2/4/2018

ORDER MADE IN

Cr1.R.C.(MD)No.637 of 2017

Dated:-

20.03.2018