



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

Crl.R.C.(MD)No.592 of 2018

Singh Ramachandran

.. Petitioner / Petitioner

Vs.

Thiru.Suriya,
Sub Inspector of Police,
Thanjavur Medical College
Hospital Police Station,
Thanjavur,
Thanjavur District.

.. Respondent/ Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to C.M.P.No.3850 of 2018 on the file of the learned Judicial Magistrate No.II, Thanjavur and set aside the order dated 09.10.2018 passed by the learned Judicial Magistrate No.II, Thanjavur, and allow the revision petition.

For Petitioner: Mr.M.Saravanan

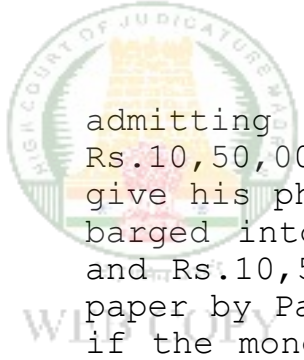
For Respondent: Mr.A.Robinson, (Crl., side)
Government Advocate

ORDER

The petitioner herein, has preferred a complaint under Section 200 r/w section 2(1) of Human Rights Act, 1993, against the respondent herein, who is the Sub Inspector of Police attached to Thanjavur Middle College Hospital Police Station.

2. The complaint against the respondent is that the petitioner's grandson Parthiban gave loan to Sampath Kumar and his wife to the tune of Rs.15,00,000/- (Rupees Fifteen Lakhs only) who promised him to repay the amount within a period of three months time and also gave three cheques. When the cheques were presented for collection, the same got bounced and therefore, statutory notice was issued to them and Parthiban filed criminal complaint against Sampath Kumar and his wife Devasena for issuing cheques without sufficient funds.

3. While so, the respondent herein, has registered a case based upon the false complaint given by Sampath Kumar as if on 24.04.2017 when Sampath Kumar was not in town, Parthiban, the grandson of the petitioner herein, Mathiazhagan, son of the petitioner herein and Singh Ramachandran/ petitioner herein barged into the house at 11:30 a.m. and used abusive language. Scolded his wife and threatened her of burn them alive if they don't pay the money with interest. Again on 28.12.2017, when he was at his home, they came to his house and got papers signed by him

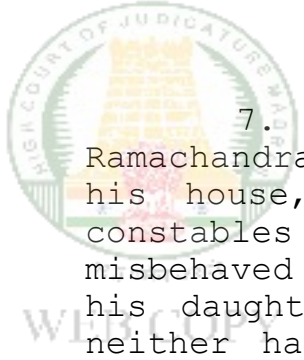


admitting liability of Rs.3,50,000/- towards principle and Rs.10,50,000/-towards interest. His friend Suresh was also asked to give his phone number. Thus, with an intention to extort money, they barged into the house and demanded Rs.3,50,000/- towards principle and Rs.10,50,000/-towards interest. The figures were written on the paper by Parthiban and then he was threatened with dire consequences if the money was not paid. Apprehending danger at the hands of the Parthiban, his father Mathiazhagan and Singh Ramachandran, a complaint has been registered by the respondent on 20.04.2018 for offences under Section 294(b) 506 (ii) r/w Section 4 of Tamil nadu Prohibition of Charging Exorbitant Interest Act, 2003 and 11(1)(b) of Tamil Nadu Money Lenders Act, 1957.

4. The case of the petitioner herein is that after registering the case, even without making any preliminary enquiry, the respondent herein entered into the house of the petitioner on 24.04.2018 during the night hours at about 1:30 a.m. The daughter of the petitioner was alone in her house. The respondent herein along with four other male constables knocked the door and asked the petitioner's daughter to open the door. The petitioner's daughter got scared. When she opened the door, she was pushed down by the respondent and they used abusive language and also intimidated the petitioner's daughter. Hence, alleging that it was a violation of Human Rights, a private complaint has been registered under Section 200 Cr.P.C., r/w section 2(1) of Human Rights Act, 1993. The trial Court after considering the allegations made against the police official, the Sub Inspector of Police and appreciating the statement of the de facto complainant and one Jesudas has dismissed the complaint as devoid of merits.

5. It is contended by the learned counsel for the petitioner that the learned Magistrate ought to have taken on file the complaint and should have committed the matter to the Principal Sessions Court, which is the Special Court to deal with Human Rights offences. Instead, the learned Magistrate has dismissed the complaint without appreciating the evidence placed before it. It is contended by the learned counsel appearing for the revision petitioner that to counterblast the complaint filed under Section 138 of Negotiable Instruments Act against Sampath Kumar and his wife, they have created imaginary incident of intimidation and extortion of exorbitant interest. The respondent herein, who should have been a dutiful police officer, without proper enquiry had not only registered a complaint in Crime No.222 of 2018, but had also abused her power by knocking the doors of the petitioner's house at midnight and violated the Human rights of his daughter who was staying in the house alone.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the materials including the complaint and impugned order passed by the learned Magistrate.



7. The allegations found in the complaint filed by Singh Ramachandran, who is about 70 years old is that when he was not in his house, during his absence, the respondent along with five constables knocked the door of his house at night hours and misbehaved using abusive language and violated the Human rights of his daughter by name Kaladevi. Surprisingly, the said Kaladevi neither has been examined nor shown as a witness in the private complaint. Therefore, the trial Court has rightly dismissed the complaint as devoid of merits. This Court does not find any error in the impugned order passed by the learned Magistrate.

8. It has now become the trend of the law violators to accuse the law enforcing officers alleging violation of Human rights and thereby prevent them from taking action against them. It is a classic case where revision petition facing a criminal case to prevent the respondent police from investigation, a private complaint has been filed as if his daughter's human right got violated. Even without examining the person against whom the alleged Human rights has been violated, the petitioner herein wants his complaint to be sustained. Therefore, this Court finds no merits in the revision petition.

9. Accordingly, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1) The Judicial Magistrate No.II,
Thanjavur

2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

+1CC to Mr.M.Saravanan, Advocate, SR.No.92801

Cr1.R.C. (MD) No.592 of 2018
29.10.2018

STS

ES/PM/SAR 3/11.12.2018/3P/4C