



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Crl.R.C.(MD) No.556 of 2018

and

Crl.M.P.(MD)No.7731 of 2018

Sathish @ Ramasamy

... Petitioner/Petitioner/
Accused No.3

Vs.

State rep. by
The Inspector of Police,
South Grade Police Station (L&O),
Madurai,

In Crime No.1017 of 2011 ... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case - filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order in Crl.M.P.No.28 of 2018 dated 12.04.2018 in S.C.No.541 of 2017 on the file of the learned V Additional District Judge, Madurai and set aside the same as illegal by allowing this Criminal Revision Petition.

For Appellant : Mr.R.Shankar Ganesh
For Respondent : Mr.A.Robinson
Government Advocate (Crl.Side)

ORDER

This revision petition is directed against the order passed in Crl.M.P.No.28 of 2018 dated 12.04.2018 by the learned Fifth Additional District Judge, Madurai.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

3. The discharge petition filed under Section 227 Cr.P.C., by the third accused on the ground that there is no substantial material against the petitioner in the complaint, FIR, charge sheet, statement of the witnesses, was dismissed by the trial Court. Aggrieved by that, the present revision petition is filed.



4.The learned Additional Public Prosecutor, who was put to notice, has filed counter affidavit, in which he has stated that the defacto complainant viz., Pappammal gave a complaint alleging that A1 viz., Murugesan broke open her house and took away the golden and silver articles and also damaged the properties in her house. When she questioned the accused, he threatened her with dire consequences. Thus, the complaint under Section 156 (3) Cr.P.C., filed before the Judicial Magistrate was forwarded to the respondent police and the case has been registered in Crime No.1017 of 2011 under Sections 442, 506 (ii), 380 IPC r/w Section 3(1) of Tamil Nadu Public Properties Damage and Loss Act. The revision petitioner herein is arrayed as third accused in that case. Murugesan / A1 is his father.

5.From the counter filed by the State, this Court could see that the petitioner herein had earlier filed CrI.O.P.(MD)No.12141 of 2011 to quash the above said FIR, which was closed on 13.03.2014 recording the fact that the investigation is completed and charge sheet has been filed with prima facie material to prosecute the offenders. Thereafter, the petitioner and the other accused have filed CrI.O.P.(MD)No.6862 of 2014 before this Court to quash the charge sheet in PRC No.50 of 2012 on the file of the Judicial Magistrate No.IV, Madurai and the same was dismissed by this Court on 29.04.2015. This Court in that dismissal order after perusing the record had specifically mentioned that the alleged offence under Section 506(ii) IPC will have to be proved by the prosecution and neither pendency of the civil suit nor the proceedings of the Revenue Divisional Officer initiated and concluded can be a ground to quash the proceedings. Thereafter, the first accused and others, by filing application under Section 310 Cr.P.C., requesting the Court to conduct local inspection, had tried to protract the proceedings. The trial court has rightly dismissed the petition on 29.01.2016. Aggrieved by that, he has preferred CrI.R.C.(MD)No.631 of 2016 before this Court and the same is still pending.

6.After a prolonged delay, the learned Fifth Additional District Judge, Madurai Court had atlast posted the matter for framing of charge on 22.11.2017. In these circumstances, the petitioner has once again started the game of protracting the proceedings by filing discharge petition under Section 227 Cr.P.C., which was rightly dismissed by the trial Court on 12.04.2018. Aggrieved by the dismissal order, the present criminal revision case is filed.

7.A lady aggrieved by the act of violation of her property, had lodged the complaint to the police, which was not taken for
<https://hcservicescourts.gov.in/hcservices/> Hence, she has approached the Court under Section 156(3) of Cr.P.C.. Thereafter, the investigation has been completed and final report has also been filed as early as in the



year 2011. After seven years delay with three rounds of litigation, the Fifth Additional District Judge, Madurai has taken cognizance of the case in S.C.No.541 of 2017 and posted the matter for framing charges on 22.11.2017.

8.The records relied by the prosecution reveals sufficient material to frame charge against the petitioner and others. This petition is filed only to protract the proceedings and cause delay. Hence, the revision case is dismissed. In the light of the above facts, the trial Court is hereby directed to frame charge and complete the trial within a period of ninety days from today. If this petitioner or any other accused indulge in dilative tactics without participating in the trial, it will be viewed seriously.

9.In the result this Criminal Revision Case is dismissed with the above direction. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The V Additional District Judge, Madurai
2. The Inspector of Police,
South Grade Police Station (L&O),
Madurai,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.SHANKAR GANESH, ADVOCATE IN SR No. 90463

TA

TE/SV/SAR-1 : 01/11/2018 : 3P/5C

Cr1.R.C.(MD) No.556 of 2018
11.10.2018