

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1461 of 2012

J.Vijayakumari

..Petitioner/ Complainant

vs

1.Valentina

2.Christopher Paulraj

3.J.Ashokraja

4.D.Rose Mukuntha Kumar

..Respondents/ Accused

Prayer Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records relevant to the order in Crl.M.P.No.4992 of 2011 dated 29.07.2011 passed by the learned Judicial Magistrate No.II, Poonamallee and set aside the same and allow the Criminal Revision Petition.

For Petitioner : Mr.B.Sundarapandiyan
(Legal Aid Counsel)

For R1 and R2 : Mr.K.S.Kaviarasan
(No Appearance)

For R3 and R4 : Notice Served
(No Appearance)

ORDER

The revision petitioner is the complainant in Crl.M.P.No.4992 of 2011, on the file of the learned Judicial Magistrate No.II, Poonamallee. The contention of the learned counsel for the revision petitioner is that the petitioner herein filed a complaint before the Jurisdictional police Station for the offence under Sections 294(b), 323, 448, 468, 471, 420 and 506(ii) IPC.

2 After the investigation, the jurisdictional police filed a final report against the accused. Since prima facie was not made out, the closure of charge sheet was filed, as against which, the revision petitioner filed a petition before this Court in Crl.O.P.No.3648 of 2011. After hearing the arguments, this Court directed the petitioner to file a private complaint under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No-II, Poonamallee.

3 The learned Judicial Magistrate, also taken the case on file in CrI.M.P.No.4992 of 2011, after an elaborate enquiry, the same was dismissed. Challenging the said order of the learned Judicial Magistrate No.II, Poonamallee the petitioner filed a present Criminal Revision Case before this Court.

4 Further, he would submit that the learned Judicial Magistrate No.II, Poonamallee, failed to consider the averments made in the complaint. Sufficient opportunities have not been given, which warrants interference by this Court.

5 Heard the learned counsel for the revision petitioner and perused the materials available on record.

6 After careful perusal of the petition filed by the revision petitioner and also the order passed by the learned Judicial Magistrate No.II, Poonamallee, the learned Judicial Magistrate has given the reason for dismissal. There is no specific date and place, on which the respondents have committed the offence. On a careful reading of the complaint, shows that the revision petitioner has not specifically averred any date and place, in which threatening was made by the respondent against the revision petitioner. Therefore, on reading of the entire records, this Court does not find any perversity in the order passed by the learned Judicial Magistrate No-II, Poonamallee, in CrI.M.P.No.4992 of 2011. Further, it is observed that the dispute is civil in nature and the civil suit is also pending.

7 Therefore, considering the facts and circumstances of the case, there is no merit in the revision. Accordingly, the Criminal Revision Case is dismissed.

sbn

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Poonamallee

2. The Chief Judicial Magistrate
Poonamallee.

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Kak(18/09/2019)