

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.Rc.No.355 of 2019

D.Anand

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Petitioner/Complainant

vs.

1.G.Jayaprakashnarayanan

2.K.Rajasekaran

3.Muthusamy

4.The Inspector of Police,
G1, Vepery Police Station,
Vepery, Chennai-600 007.

Respondents/Accused

Prayer: Criminal Revision Petition filed under Sections 397 & 401 CrPC against the order dated 18.06.2018 made in Crl.M.P.No.2015 of 2017 on the file of the II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : M/s.P.Thirumalai

For Respondents : M/s.A.S.Kailasam & Associates

for R1

M/s.Krithika Kamal,

Government Advocate (Crl. Side)

for R4

ORDER

One Dhamodharan died on 31.07.2013, pursuant to which, on the complaint given by his bother Kannan, the police registered a case in Crime No.645 of 2013 on 30.07.2013 under Section 174 CrPC. The body of Dhamodharan was sent for autopsy. The Autopsy Report says that there was no injury on the body of the deceased.

2. While so, the petitioner, who is the brother of the said Dhamodharan, filed a private complaint in Crl.M.P.No.2015 of 2017 alleging that there was blockage of drain in a nearby temple and the accused 1 to 3, who were working in the temple, had asked Dhamodharan to clean the drainage. When Dhamodharan got into the drainage pit to clean the drainage block, he suffocated and died. According to the petitioner, the Inspector of Police had closed the case without proper investigation.

3. The learned Trial Magistrate took the private complaint on file in CrI.M.P.No.2015 of 2017 and recorded the sworn statement of the petitioner and marked 9 exhibits. Thereafter, the learned Magistrate, vide impugned order dated 18.06.2018 in CrI.M.P.No.2015 of 2017, has dismissed the private complaint under Section 203 CrPC, aggrieved by which the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the learned Magistrate has not given sufficient opportunity to the petitioner to establish his case.

5. On the contrary, it is seen that the private complaint was filed in the year 2015 and the learned Magistrate had dismissed the petition only on 18.06.2018, by a well considered order.

6. This Court has perused the F.I.R. In Crime No.645/2013 and the Post-mortem Report of Dhamodharan and does not find any iota of material to show that he died out of suffocation while cleaning the drainage, as alleged by the petitioner. Under such circumstances, this Court does not find any infirmity in the order of the learned Magistrate, warranting interference by this Court.

6. This Criminal Revision petition is devoid of merits and accordingly, it is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1.The Inspector of Police,
G1, Vepery Police Station,
Vepery, Chennai-600 007.

2.II Metropolitan Magistrate Court,
Egmore, Chennai-600 008.

3.The Public Prosecutor,
High Court, Madras

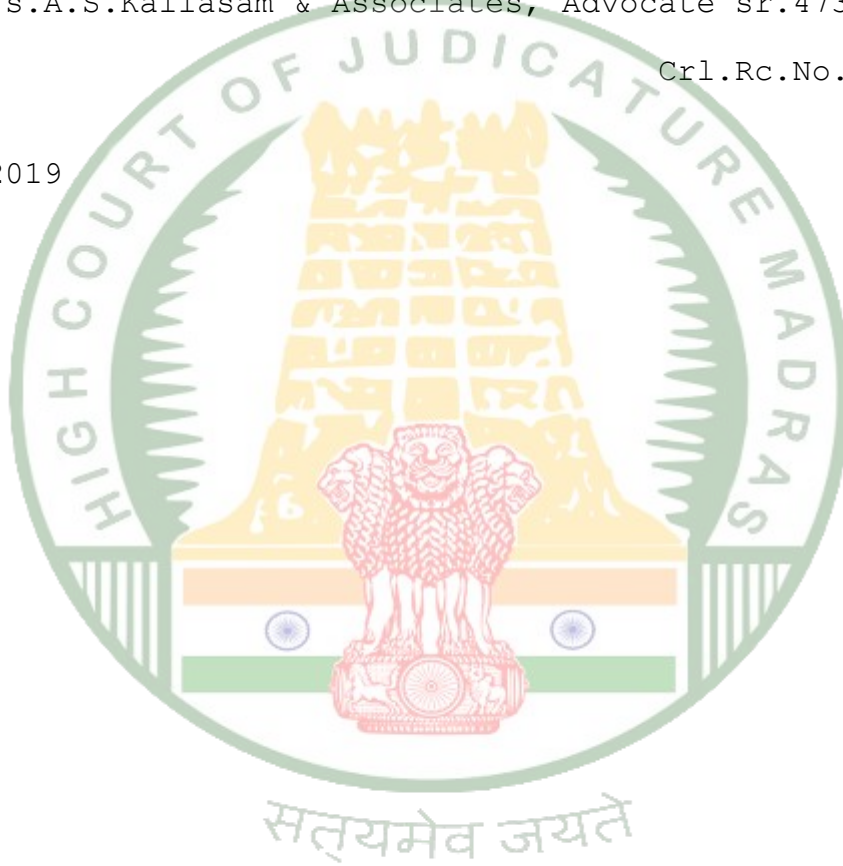
copy to:

The Section Officer,
Criminal Section,
High Court, Madras

+1cc to M/s.A.S.Kailasam & Associates, Advocate sr.47316

Crl.Rc.No.355 of 2019

nmi (co)
nr 26/07/2019



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