

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.1159 of 2019

Venkatesan

...Petitioner

Vs.

The Inspector of Police,
Tirunavalur Police Station,
Tirunavalur,
Ulundurpet Taluk.

...Respondent

Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records in C.M.P.No.2273 of 2019 dated 20.08.2019 on the file of the learned Judicial Magistrate, Ulundurpet and set aside the same and thereby allow the revision.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

The petition has been filed challenging the docket order passed in C.M.P.No.2273 of 2019 dated 20.08.2019 by the Judicial Magistrate, Ulundurpet.

2. The petitioner is the complainant. On 18.05.2019 he had given a complaint to the respondent police to take action against one Arjunan and Manjini Gounder. The complaint was given through online under the Reference No.IAV19045547, in respect of the incident which had happened on 11.05.2019. Since no action was taken, he had given a complaint to the Superintendent of Police on 22.05.2019 and thereafter, a reminder has been given to the Superintendent of Police on 07.06.2019. Since no action was taken by the respondent police on the complaint given by the petitioner, he had filed a petition in C.M.P.No.2273 of 2019 under Section 156 (3) of the Criminal Procedure Code to direct the respondent police for investigation and to take action against the said Arjunan and Manjini Gounder. The learned Judicial Magistrate, Ulundurpet had called for a report from the 2nd respondent police. The

respondent police, after conducting the enquiry, filed a report. In the report it had been stated that the petitioner had given a complaint dated 16.05.2019 and that the counter party Manjini Gounder's son Thirumaran had also given a complaint on 15.05.2019. Both parties were called for enquiry and during the enquiry the petitioner had not produced any document and it was found that the counter party is the owner of the disputed property and that the petitioner was creating a law and order problem and thereby he had directed the parties to approach the Civil Court for suitable action. Further, it was also found that no such incident as stated by the petitioner, has happened on the particular day. The trial Judge, after perusing the report of the Investigating Officer and being satisfied with the report and also finding that the dispute between the complainant and respondent was purely civil in nature and that the complainant was attempting to give criminal colour to a civil dispute had closed the complaint. The learned Magistrate also granted liberty to the complainant to workout his remedy known to law. Against the order the present revision has been filed.

3. The learned counsel for the petitioner would submit that the petitioner had made specific allegation that his mother was abused by the counter parties and that the police had supported the counter parties and that they have forcibly taken his brother-in-law to the police station. Further on 16.05.2019 the police men belonging to the respondent police have also threatened him over telephone and had also directed him not to go near the disputed property stating that problem will be created between two villages. He further submit that when offence are made out in the complaint the Magistrate ought to have referred the complaint for further investigation.

4. Heard the learned counsel on both sides and perused the materials on record.

5. Based on the complaint filed by the petitioner under Section 156 (3) of the Criminal Revision. The learned Judicial Magistrate had called for a report from the 2nd respondent police. Even the perusal of the complaint shows the allegations are only hearsay. The learned Judicial Magistrate had referred the complaint for enquiry and the respondent had sent a report stating that the complainant had attempted to colour a civil dispute as a criminal complaint. Further the complaint has not been filed in accordance with law laid down in [Priyanka Srivastava Vs. State of Uttar Pradesh reported in [(2015) 6 SCC 287]]. The learned Magistrate has also closed the complaint granting liberty to the petitioner to workout his remedy known to law. I do not find any infirmity in the order passed by the trial Court.

6. Accordingly, the Criminal Revision Petition stands dismissed granting liberty to the petitioner to workout his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

1.The Judicial Magistrate,
Ulundurpet.

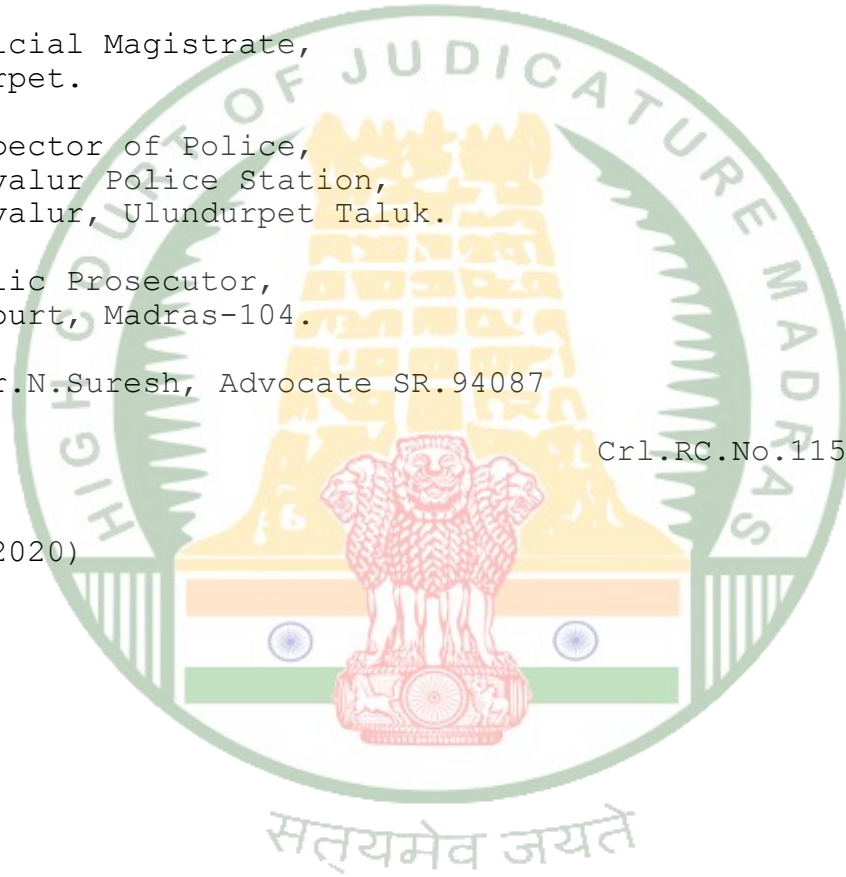
2.The Inspector of Police,
Tirunavalur Police Station,
Tirunavalur, Ulundurpet Taluk.

3.The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.N.Suresh, Advocate SR.94087

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