



**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT**

WEB COPY

**DATE : 25.09.2019**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.PARTHIBAN**

**CRL. R.C. (MD) NO. 438 OF 2019**

Thirunavukkarasu

.. Petitioner

**- Vs -**

1. Velusamy

2. Union Secretary

Siravayal Union, Siravayal Post

Tiruppattur Taluk, Sivagangai District.

3. Subbu

4. Kannan

5. Meyyappan

.. Respondents

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 22.10.2018, passed by the learned District Munsif-cum-Judicial Magistrate, Tiruppattur, in Cr. M.P. No.3731 of 2018.

For Petitioner : Mr. J.Nandakumar

For Respondents : Mr. D.Rameshkumar  
for RR-1, 3 & 4

Mr. P.Aju Tagore for RR-5

No Appearance for R-2

**ORDER**

Against the dismissal of the petition filed by the petitioner u/s 156 (3) Cr.P.C. by the learned District Munsif-cum-Judicial Magistrate, Tiruppattur, the present revision has been preferred.



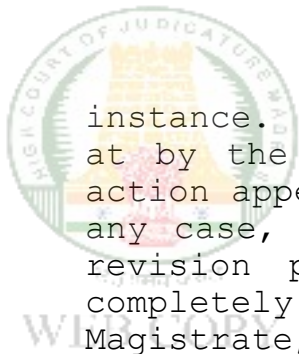
2. The petitioner has preferred the petition u/s 156 (3) Cr.P.C. before the court below with regard to the act of the 1<sup>st</sup> respondent in misusing his official capacity. It is further submitted by the learned counsel for the petitioner, that though the act of misappropriation had taken place in the year 2009 and fine was imposed, however, till date the respondent has not paid the fine amount, which has come to light only in view of the details obtained under the Right to Information Act and, therefore, the present petition has been filed for a direction to the police authorities to register a complaint.

3. On a consideration of the averment, the court below, held that the complaint has been filed 9 years after the alleged date of occurrence and that the competent authority has already taken cognizance and imposed fine in the year 2009 itself and in the absence of direct knowledge relating to the alleged misappropriation, the petition filed by the complainant is not maintainable and, accordingly, the court below dismissed the complaint. For better clarity, the order passed by the court below is extracted hereunder :-

*"Complainant present. Complainant averment perused. As per complainant the alleged occurrence have been taken place in the year 2009. This complaint filed after 9 years from the alleged date of occurrence. Moreover, as per averment of complaint, the competent authority already taken cognizance and imposed fine in the year 2009 itself. It is duty of competent authority to recover the fine imposed as per relevant law. In respect of allegation of falsification of account, the competent authority have made any complaint. As per averment or complaint the complainant have no direct knowledge, regarding the allegation. Only on informations received through RTI from competent authority this complainant filed this complaint. Hence this court found that this complaint is vexatious in nature no prima facie case of cognizable offence made out. Hence, this petition u/s 156 (3) Crpc is dismissed."*

4. This Court heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. A perusal of the order passed by the court below clearly reveals that the learned Magistrate has passed a detailed order. The order passed by the court below is self-explanatory and this Court finds that this criminal revision is nothing but an abuse of process of court and ought not to have been entertained at the first



instance. Further, this Court completely endorses the view arrived at by the learned Magistrate to dismiss the petition. The whole action appears to be a vexatious litigation by the petitioner and in any case, the petitioner is not entitled to get any relief in the revision petition, since the allegations by the petitioner are completely frivolous, baseless and unfounded. The learned Magistrate, on proper application of mind, has rightly dismissed the petition filed u/s 156 (3) Cr.P.C. This Court finds no reason to interfere with the well considered and reasoned order.

6. The revision, being devoid of merits deserves to be dismissed and, accordingly, the same is dismissed.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

GLN

To

The District Munsif-cum-  
Judicial Magistrate  
Tiruppattur.

+1 CC to M/s.D.RAMESHKUMAR, Advocate ( SR-89227[F] dated 25/09/2019 )

+1 CC to M/s.P.AJUTAGORE, Advocate ( SR-89178[F] dated 25/09/2019 )

+1 CC to M/s.J.ANAND KUMAR, Advocate ( SR-89334[F] dated 25/09/2019 )

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JM/10.10.2019/3P/5C