



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

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

Cr1.R.C. (MD)No.235 of 2019

R.Anthony Tamilarasan

: Petitioner

Vs.

1.Suyambulingam

2.Mohideen Badsha

3.Nicholose

4.Murugaperumal

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records pertaining to order passed in Cr.M.P.No.5303 of 2018 dated 03.11.2018 on the file of the learned Judicial Magistrate No.III, Thoothukudi and set aside the same and consequently direct the Inspector of Police, North Police Station, Thoothukudi to register the case based on the petitioner's complaint dated 23.07.2018.

For Petitioner

: Mr.M.Manivel Pandian

For Respondents

: Mr.K.Prabakaran

O R D E R

The criminal revision case has been filed against the order passed by the learned Judicial Magistrate No.III, Thoothukudi dismissing the Cr.M.P.No.5303 of 2018 dated 03.11.2018 under the provision of Section 156 Cr.P.C to register the complaint against the respondent. The said petition was dismissed by the learned Judicial Magistrate stating that no cognizable offence could be made out. As against the order passed by the learned Judicial Magistrate, the present revision has been filed.

2.From the grounds raised in the revision petition, this Court is unable to appreciate how the revision petition is maintainable, since no worth while ground has been raised in order to entertain the revision petition. Moreover, no materials were placed for consideration evidencing any criminal act by the respondents warranting registration of criminal case against them. From the averments, it could be seen that the petitioner had initially approached and lodged a complaint for the incidents took place on 21.07.2018 and 23.07.2018. Thereafter, the complaint was sent to the Inspector of Police, North Police Station, Thoothukudi, but no



action has been taken. Subsequently, on 29.10.2018, the petitioner has filed Crl.M.P.No.5303 of 2018 before the learned Judicial Magistrate No.III, Thoothukudi, seeking to register a case under Sections 323, 506(i) and 109 IPC, which was dismissed on 03.11.2018.

3.From the averments, it could be seen that the petitioner has approached this Court in Crl.M.P(MD)No.1174 of 2019 against the dismissal order by the learned Magistrate and consequently, for unknown reasons, the same has been withdrawn with liberty. The present revision is therefore filed. This Court does not see any materials to set aside the order passed by the learned Magistrate. The order passed by the learned Magistrate does not suffer any infirmity, since the petitioner has not produced any materials to give direction to the respondent police to register a case against the respondents. Therefore, the learned Judicial Magistrate has rightly dismissed the petition filed under Section 156 Cr.P.C.

4.This Court is entirely in agreement with the reasons adopted by the learned Judicial Magistrate and does not find any reason calling for interference. Hence, this Criminal Revision Petition filed against the impugned order passed by the learned Judicial Magistrate No.III, Thoothukudi dated 03.11.2018 is without any merits and hence, the same is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

skn

To

1.The Judicial Magistrate No.III, Thoothukudi.

2.The Inspector of Police, North Police Station,
Thoothukudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.PRABHAKARAN, Advocate SR-88249.

ORDER MADE IN
Crl.R.C. (MD)No.235 of 2019
Dated:-18.09.2019.

CS(14.10.2019) 2P 5C