



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.06.2019
Pronounced on : 13.09.2019

WEB COPY

CORAM

THE HONOURABLE JUSTICE MRS.T.KRISHNAVALLI

CRL.RC(MD) No.36 of 2016

Kala Megam : Petitioner/De-facto Complainant

Vs

1.State represented by
The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu,
Madurai District.
(Crime No.113 of 2004)

2.Arun : Respondents

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of the Criminal Procedure Code against the order, dated 24.04.2015 made in Cr.M.P.No.25 of 2015 passed by the Judicial Magistrate, Melur.

For Petitioner : Mr.T.A.Ebenezer

For 1st Respondent : Mr.APG Ohm Chairma Prabhu
Government Advocate
(Criminal side)

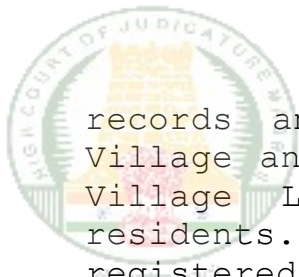
For 2nd Respondent : Mr.Veerakathiravan
Senior counsel
for Mr.C.Jeganathan

O R D E R

This criminal revision is directed against the order, dated 24.04.2015 passed in Cr.M.P.No.25 of 2015 by the Judicial Magistrate, Melur.

2.The petitioner/de-facto complainant lodged a complaint before the first respondent police alleging that the second respondent with the help of officials created and fabricated false

<https://hservices.ecourts.gov.in/hservices/>



records and documents as if he is residing at Uranganpatti Village and obtained the benefit of Government under Rajiv Gandhi Village LPG Vikrath Scheme, which is meant for the local residents. Based on the complaint, the first respondent police registered a case in Crime No.113 of 2014 for the offence under Sections 465, 468 and 471 IPC. The respondent police, after investigation referred the case as ' **Mistake of Fact**' and issued notice to the petitioner. The learned Judicial Magistrate, Melur, also issued notice to the petitioner, dated 20.12.2014. The petitioner filed protest petition before the learned Judicial Magistrate, Melur on 29.12.2014. The learned Magistrate recorded the sworn statement of the petitioner on 15.04.2015. Thereafter, without considering the First Information Report, the learned Magistrate dismissed the protest petition filed in Crl.M.P.No.25 of 2015, on 24.04.2015. Aggrieved over the same, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.The petitioner states that *prima facie* made out for the offence under Section 177 I.P.C and it is not correct that only the Authority has right to file complaint for taking cognizance and the person, who is the affected party by the criminal activities of the accused has every right to prefer this appeal. But, without considering the fact the learned Magistrate dismissed the petition. It is the main contention of the petitioner that the accused created false records with the help of Government Officials and got Gas Agency in his name. In view of the above, the impugned order passed by the trial court has to be set aside and the criminal revision has to be allowed.

5.On the other hand, the contention of the 2nd respondent/accused is that after deleting his name in the Family Card of his father, he returned to Uranganpatti and after he got a new Ration Card, he has not purchased any new commodities/goods and the new Ration Card was given only after due verification and he is not created any false records and prays for dismissal of the criminal revision.

6.It is seen from records that the son of the petitioner has also given a complaint in respect of the same occurrence to the Superintendent of Police, Madurai and it was forwarded to the concerned Deputy Superintendent of Police and on receiving the complaint, the Deputy Superintendent of Police conducted enquiry and submitted the report implicating the accused and directing the Inspector of Police in this case to file a final report.

7.As per the Order of this court, a criminal case was also



filed in CrI.O.P.(MD) No.12482 of 2014 as against the accused in the Keelavalu Police Station under Sections 465, 468 and 471 I.P.C.

8.It is pertinent to note her that already a case was registered as against the accused, based on the complaint given by the son of the complainant/petitioner in respect of the same occurrence, it is not necessary to register another case for the very same occurrence. Hence, this court is of the considered view that the petitioner is not entitled to get any relief as sought for.

9.In the result, this criminal revision fails and the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

smn

To,

1.The Judicial Magistrate, Melur.

2.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Madurai District

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

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-86687[F] dated 13/09/2019)

CRL.RC (MD) . No.36 of 2016
13.09.2019

KM/(11.10.2019) 3P 5C