

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	25.06.2019
Date of Order	08.07.2019

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC. (MD)No.806 of 2016

P.Maheshkumar

: Revision Petitioner/
Petitioner

Vs.

1.Sundaraj

2.Ravi

3.Soliappan

4.Muthaiyee @ Pondhayee

5.Chandrasekar @ Ayyappan

: Respondents/Respondent

Prayer: Criminal Revision filed under Section 397 r/w 407 of Criminal Procedure Code against the order passed in Crl.M.P.No.6649 of 2015 on the file of the Judicial Magistrate No.1, Karur and to set aside the same.

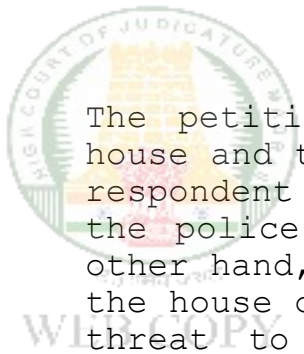
For Petitioner : Mr.P.Muthu Vijay Pandian

For Respondents : Mr.R.Maheswaran

O R D E R

This Criminal Revision is directed against the order passed in Crl.M.P.No.6649 of 2015, dated 09.09.2016 by the Judicial Magistrate No.1, Karur.

2.The short facts of the case is that there was previous enmity between the petitioner and the respondents with respect to construction of bathroom and toilet and on the other hand, the petitioner and respondents joined together and conducted the Kovil festival in their village and with respect to Kovil Festival of the year 2015, there was a meeting conducted on 16.05.2015 and in the meeting, wordy quarrel arose between the family members of the petitioner and the respondents and the respondents beaten the petitioner and his brother and immediately, they went to the Government Hospital, Karur and the police enquired the matter in the hospital and based on the enquiry, the petitioner lodged a complaint. But the police has not acted upon the said complaint.



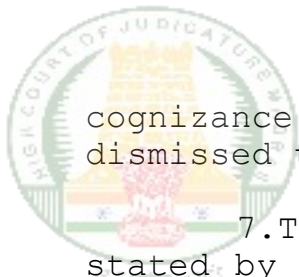
The petitioner discharged on 20.05.2016 and returned back to his house and the petitioner came to know that one Sundararaj, the first respondent lodged a complaint against him and based on the same, the police registered a complaint against the petitioner. On the other hand, on 30.06.2015, the respondents 1 to 3 and 5 were came to the house of the petitioner and used filthy language and made a life threat to the petitioner. Hence, the petitioner has filed a complaint under section 200 Cr.P.C on the file of the Judicial Magistrate No.1, Karur and the same was numbered as Crl.MP.No.6649 of 2015. The said petition was dismissed by the learned Judicial Magistrate on 09.09.2016. Aggrieved by the order of the Judicial Magistrate, the petitioner is before this court.

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

4.It is mainly contended by the learned counsel appearing for the petitioner that the trial court failed to consider the medical admission report and the discharge summary issued by the Government Hospital at Karur and the reasons stated in the judgment of the lower court is completely misconceived and hurried and buried manner and there is every possibility to take cognizance of the offence based on the evidence of the complainant/petitioner and prays for allowing the revision petition.

5.On the other hand, it is argued on the side of the respondents that the lower court, after proper appreciation of the entire materials available on record, has passed the order, which does not require any interference by this court.

6.It is seen from the records that the petitioner/complainant has filed a private complaint stating that there was previous motive between the family members of the petitioner and the respondents and the respondents attacked the petitioner and his brother and thereafter, they went to the Karur Government Hospital and subsequently, approached the Judicial Magistrate No.1, Karur by filing Crl.M.P.No.6649 of 2015. The learned Judicial Magistrate dismissed the private complaint filed by the petitioner on the ground that the petitioner mentioned 3 persons in his complaint as witnesses to prove his case, but he has not chosen to examine those persons in the court and the brother of the petitioner, who was attacked by the respondents was not examined before the court and that based on the complaint given by the 1st respondent, Vengamedu Police has registered a case in Crime No.125 of 2015 as against the petitioner for the occurrence took place on 16.05.2015 and therefore, the complaint given by the petitioner is after the alleged occurrence and in this case, the Doctor, who gave treatment to the petitioner was not examined and the eye witnesses Arumugam and Mariammal were not examined and the alleged occurrence took place in a public view, but no independent witness was examined. The trial court found that there is no possibility to take



cognizance offence based on the evidence of the complainant, thereby dismissed the petition filed by the petitioner.

7.This court is of the considered view that the reasons stated by the trial court for dismissing the petition filed by the petitioner is correct and the impugned order does not call for any interference by this court.

8.In the result, this criminal revision is **dismissed**.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

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To,

The Judicial Magistrate No.I,
Karur.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-74087[F] dated 08/07/2019)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-74205[F] dated 09/07/2019

Crl.RC (MD) No.806 of 2016
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JMN(31.12.2019) 3P : 4C