



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO. 860 OF 2019

S.Dawood Mohaideen

.. Petitioner/
Defacto Complainant

- Vs -

State, rep. by

1. The Inspector of Police
K.Pudur Police Station
Madurai City.

2. The Commissioner of Police
Madurai City,
Madurai.

.. Respondents/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 23.07.2019, passed by the Judicial Magistrate No.VI, Madurai, in Cr. M.P. No.2865/2019.

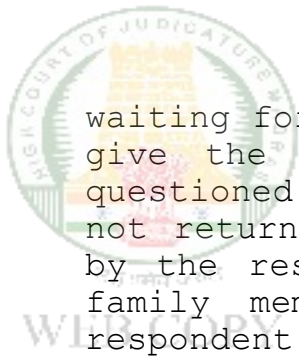
For Petitioner : Mr. J.M.Abdul Rahman

For Respondents : Ms. M.Anantha Devi,
GA (Crl. Side)

ORDER

The present revision has been filed against the order passed by the learned Judicial Magistrate No.VI, Madurai, dismissing the complaint filed by the petitioner u/s 156 Cr.P.C.

2. It is the case of the petitioner that on 28.3.2018, he utilised the services of the respondent, the driver of an auto under the umbrella of the OLA company and after completing the travel to the destination, the petitioner paid him the fare and was



waiting for the change to be given. However, the respondent did not give the exact change, but gave him a lesser amount and when questioned by the petitioner about the attitude of the respondent in not returning the exact change, the petitioner was verbally abused by the respondent in filthy language and castigating him and his family members. In the course of the same transaction, the respondent slapped the petitioner on the face and threatened him with dire consequences and threw him out of the auto due to which the petitioner suffered injury. The said occurrence was informed by the petitioner to the OLA company for which the company informed him that the petitioner is at liberty to proceed against the respondent driver by filing a complaint. A complaint in this regard was given by the petitioner with the police authorities, which did not evoke the desired response. The petitioner took treatment for the injuries suffered and, thereafter, the petitioner lodged the complaint u/s 156 Cr.P.C. before the Magistrate Court on 20.7.2019.

3. The miscellaneous petition was taken up by the court below and vide order dated 23.7.2019, the petition was dismissed holding that the petitioner has not stated sufficient reasons for the delay in lodging the complaint, which was lodged almost after 1 ½ years after the occurrence and, therefore, the said petition for registering the FIR was dismissed, but liberty was granted to the complainant/petitioner to file a private complaint. Aggrieved by the said order, the present revision has been filed.

4. Learned counsel appearing for the petitioner submitted that since the petitioner was taking treatment for the injuries suffered by him, he could not file the complaint on time. However, the said reason was not considered by the Magistrate and the petition was dismissed, which requires interference by this Court.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. Even at the very outset, it could very safely be concluded that the decision arrived at by the court below does not call for any interference. The complaint, even according to the petitioner, was filed after 1 ½ years. Though it is the stand of the petitioner that due to the fact that he was taking treatment for the injuries suffered by him in the said transaction, he could not file the complaint on time. Though the petitioner has filed certain medical receipts in support of his stand for taking treatment, however the fact remains that there is no proof that the injuries were suffered by him in the transaction as alleged. One other crucial fact, which stares at the face of the petitioner is that even according to his own affidavit, filed in the present revision, the petitioner has stated that due to heavy work on account of year ending, the petitioner was not able to lodge the complaint on the very same day. This clearly shows that the petitioner was able to discharge his

<https://www.hcj.madras.gov.in/> by the injuries suffered by him. If that be the



case, the contention of the petitioner that the delay had been occasioned on account of the treatment taken by him for the injuries suffered by him in the above transaction is far from believable.

7. The trial court, on a conspectus of the facts emerging in the present case, has rightly dismissed the complaint citing that no sufficient reasons have been shown for the delay in filing the complaint. This Court is in complete agreement with the view arrived at by the trial court, which does not suffer from any infirmity and, therefore, does not call for any interference.

8. For the reasons aforesaid, this criminal revision petition is devoid of merits and, accordingly, the same is dismissed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

GLN

To

- 1 The Judicial Magistrate No.VI,
Madurai.
2. The Commissioner of Police,
Madurai City,
Madurai.
3. The Inspector of Police,
K.Pudur Police Station,
Madurai City.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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JM/09.12.2019/3P/5C