

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.141 of 2021

Dr.L.Banumathi

... Petitioner

..VS..

1.Dr.A.N.Harilal

2.H.Dharshan

... Respondents

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order passed in Crl.M.P.No.34 of 2020 on the file of the XV Metropolitan Magistrate, George Town, Chennai on 05.01.2021 and also to direct the XV Metropolitan Magistrate, George Town, Chennai to take cognizance of the private complaint and issue summons and proceed in accordance with law.

For Petitioner : Mr.K.Bommuraj

O R D E R

By consent of the learned counsel for the petitioner, the matter is taken up today for final disposal at the admission stage itself, without issuing notice to the respondents.

2. This Criminal Revision Case has been filed against order dated 05.01.2021 passed in Crl.M.P.No.34 of 2020 on the file of the XV Metropolitan Magistrate, George Town, Chennai and consequently to direct the learned Magistrate to take cognizance of the private complaint and issue summons and proceed with the matter in accordance with law.

3.It is the case of the petitioner that she filed a complaint before the Inspector of Police, All Women Police Station, Washermenpet, Chennai on 15.08.2020, which was assigned with C.S.R.No.146 of 2020, but the same has been kept in abeyance without any further action. Hence, she filed a petition under Section 156(3) Cr.P.C before the learned XV Metropolitan Magistrate, George Town, Chennai to direct the Inspector of Police, to register the complaint in accordance with law based on C.S.R.No.146 of 2020. The learned Magistrate, after hearing the arguments advanced on either side and also considering the materials available on records dismissed the petition. Challenging the said order, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that the petitioner/complainant is a Doctor, aged about 60 years. She gave a complaint to the Inspector of Police, W-13, All Women Police Station, Tondiarpet, Chennai against the respondents, since they threatened her. However, the complaint has been kept in abeyance without any further action and hence, she filed the petition under Section 156(3) Cr.P.C. The learned Magistrate without considering the complaint and without taking into account the cognizance of the offence, recorded the statements of three witnesses and dismissed the petition.

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

6. The main contention of the learned counsel for the petitioner is that the 2<sup>nd</sup> respondent/accused threatened the complainant by saying that 'I will kill you'. However, the complainant has not specifically mentioned the date, time and place of occurrence. Therefore, the learned Magistrate has held that the mere utterance of words in the heat of exchange of words will not per se constitute an offence of Criminal intimidation and in this regard, referred the judgment of this Court in Noble Mohandass Vs. State reported in 1989 1988 (1) MLJ (Crl) 54 and dismissed the petition.

7.On a reading of the complaint dated 15.08.2020 annexed in the typed set of papers, it reveals that the complainant has not stated anything about the date, time and place of occurrence. In the affidavit filed by the complainant in Crl.M.P.No.34 of 2020, it has been stated that 'in the month of July 2019, the 2<sup>nd</sup> respondent/accused entered the hospital and forcibly tried to take over the entire administration of the hospital'. However, she has not mentioned the date, time and place of occurrence. In the absence of the above, the learned Magistrate rightly dismissed the petition. Further, with regard to the issue of the respondents' interfering with the administration, the petitioner shall file a civil suit. सत्यमेव जयते

8.Therefore, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

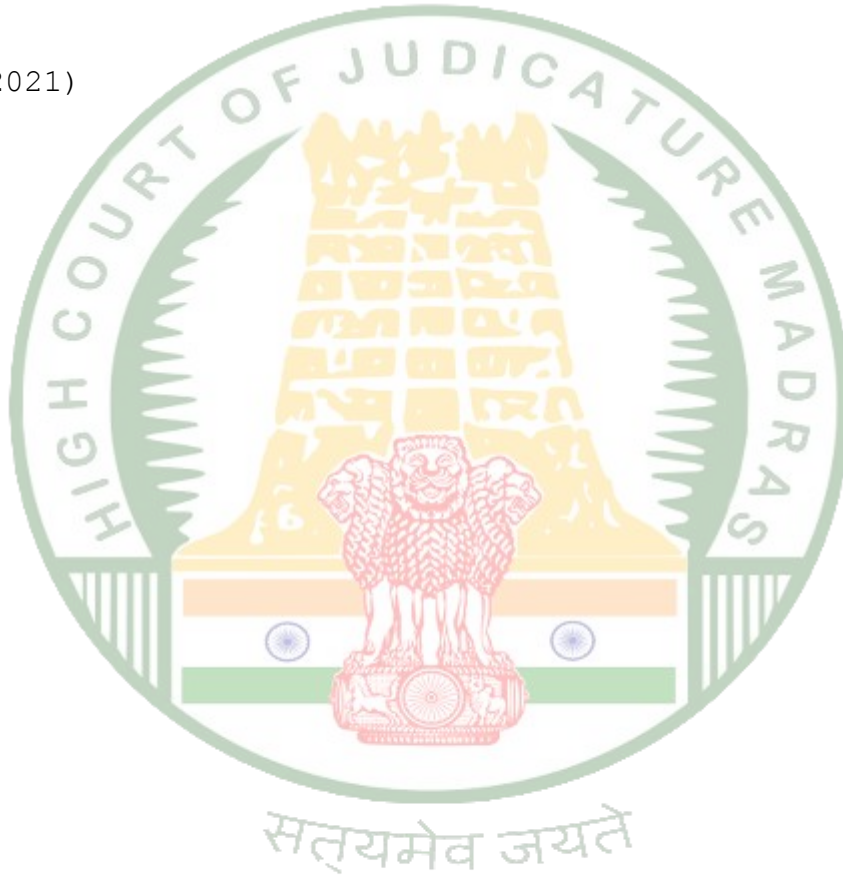
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To

The XV Metropolitan Magistrate,  
George Town, Chennai.

Crl. R.C. No.141 of 2021

AJB (CO)  
KM(29/04/2021)



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