

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.182 of 2021

S.M.Mani

... Petitioner

...VS...

1.D.C.Elangovan
2.Govindan
3.Nattanmadhu
4.Arun
5.Loganathan
6.Saravanan
7.Prakasam

... Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order dated 18.01.2021 in Crl.M.P.No.1688 of 2020 on the file of the Judicial Magistrate No.I, Dharmapuri and consequently issue direction directing the Judicial Magistrate No.1, Dharmapuri to dispose the petitioner complaint in accordance with law by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.Marudhachalamurthy

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 the order dated 18.01.2021 passed in Crl.M.P.No.1688 of 2020 by the learned Judicial Magistrate No.I, Dharmapuri.

3.The petitioner filed a complaint before the Inspector of Police, Dharmapuri Town Police Station, Dharmapuri on 15.06.2020 and the same was kept in abeyance. Thereafter, the petitioner filed a petition in Crl.O.P.No.10739 of 2020 before this Court seeking direction to take appropriate action on the basis of the petitioner's complaint dated 15.06.2020 in accordance with law. By order dated 17.07.2020 this Court granted liberty to the petitioner to work out his remedy in accordance with the guidelines issued in Crl.OP.(MD).No.13681 of 2018 and batch of

cases, dated 20.09.2018 and disposed of the matter. Subsequently, the petitioner filed a petition in CrI.M.P.No.1688 of 2020 under Section 200 Cr.P.C before the learned Judicial Magistrate No.I, Dharmapuri and the same was dismissed on 18.01.2021. As against the dismissal of the private complaint, the Criminal Revision Case has been filed by the petitioner.

4.The learned counsel for the petitioner would submit that the petitioner has established his case, however, the learned Magistrate failed to consider the averments made in the complaint and Sworn Statement and also the direction of this Court and simply dismissed the petition and hence, the same is liable to be set aside.

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

6.On a careful perusal of the records, it reveals that the petitioner filed a complaint under Section 200 Cr.P.C before the learned Judicial Magistrate No.I, Dharmapuri stating that he was forcibly attacked by the respondents. The learned Magistrate, after considering the averments made in the complaint and sworn statement filed by the petitioner found that the petitioner has not established his complaint and hence, dismissed the petition. This Court while exercising revisional jurisdiction has to see as to whether any perversity in the order passed by the learned Magistrate. In the present case, the learned Magistrate, after due enquiry found that the petitioner has not produced any documents regarding the allegation that he was attacked by the respondents and he was taken treatment for the injuries sustained by him and dismissed the petition.

7.Under these circumstances, this Court does not find any perversity or illegality in the order passed by the learned Magistrate and hence, the Criminal Revision Case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed.

8.This Court finds that civil suit in O.S.No.8 of 2020 is pending between the petitioner and first respondents and others and the petitioner is trying to give a criminal colour to a civil dispute between them. Hence, liberty is granted to the petitioner to work out to his remedy before the appropriate forum in the manner known to law.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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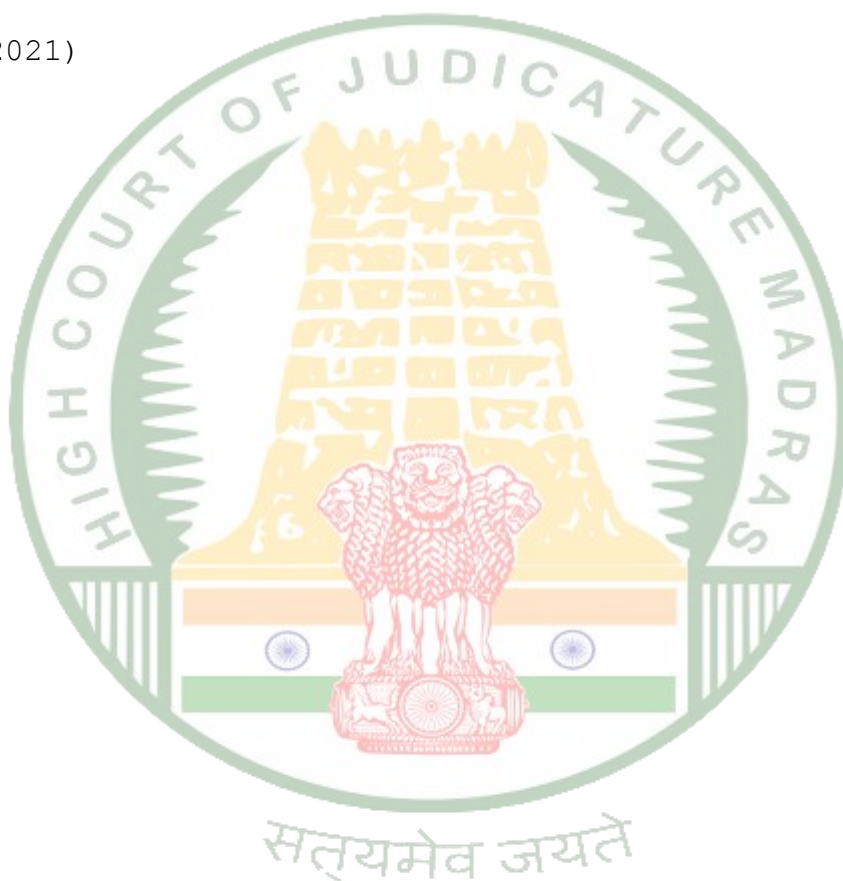
To

The Judicial Magistrate No.I,
Dharmapuri.

+1cc to Mr.R.Marudhachala Murhty, Advocate, S.R.No.21970

Cr1.R.C.No.182 of 2021

AD (CO)
CB (24/06/2021)



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