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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.478 of 2021

1.Janakaraj

... Petitioner/Complainant

vs.

1.Ananthan

2.Rajeswari

3.Thasaradhan

4.Rukkumani

... Respondents/Accused

Prayer: This Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, to set aside the order dated 07.05.2021 in Crl.M.P.No.146 of 2021 on the file of the Learned Judicial Magistrate, Palacode and to direct her to take the case on file and deal with the same in accordance with law.

For Petitioner : Mr.R.Selvakumar

O R D E R

The present criminal revision has been filed to set aside the order dated 07.05.2021 in Crl.M.P.No.146 of 2021 on the file of the Learned Judicial Magistrate, Palacode and to direct the learned Magistrate to take the case on file and deal with the same in accordance with law.

2. The petitioner filed a private complaint under Section 200 of the Criminal Procedure Code (hereinafter referred to as 'Cr.P.C' for short) against the respondents and to direct the learned Magistrate to conduct the case and punish them. The learned Magistrate dismissed the said petition. Challenging the



said order, the petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that the respondents committed an offence under Sections 341, 436, 379, 465, 468 and 506(ii) r/w 109 and 120 IPC and when the petitioner made the complaint before the jurisdictional police, they have not taken any action against them. Therefore, he filed a private complaint before the learned Judicial Magistrate and the learned Judicial Magistrate without considering the materials, simply dismissed the petition for the reason that there is no prima facie case made out against the respondents, which warrants interference of this Court.

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

5. The petitioner filed a private complaint under Section 200 Cr.P.C., against the respondents before the learned Judicial Magistrate in Crl.M.P.No.146 of 2021 and the same was dismissed by order dated 07.05.2021.

6. A perusal of the impugned order would go to show that the learned Magistrate, thoroughly gone through the entire materials and found that the dispute between the parties are civil in nature and does not constitute the criminal offence and learned Magistrate does not find any prima facie case made out against the respondents and there is no sufficient ground for proceeding the complaint against the respondents and so dismissed the said petition. Challenging the said order, the petitioner has filed the present criminal revision case before this Court.

7. Though the learned counsel for the petitioner would submit that he approached the jurisdictional police, no materials is produced to show that he approached the police. If at all he approached the police by way of complaint, to set the law in motion and if the jurisdictional police not taking any action, he could have approached the superior officer and if the superior officer not taking any action, then he can file the complaint before the learned Magistrate, only to direct the police to take action and investigate the matter and submit his final report. But the petitioner cannot straightaway file a petition under Section 200 of Cr.P.C., and seek direction to the Magistrate to conduct the case and award a punishment and therefore, the said approach of the petitioner is not in accordance with the Criminal Procedure Code. Therefore, this Court does not find any perversity in the order passed by the learned Magistrate and there is no merit in the present revision and the same is liable to be dismissed.



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8. Accordingly, the criminal revision is dismissed. However, the petitioner has got any grievance, he can workout his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm

To

1.The Judicial Magistrate,
Palacode.

2.-do- through Chief Judicial Magistrate,
Dharmapuri.

+lcc to Mr.R.Selvakumar, Advocate Sr No.40581

Cr1.R.C.No.478 of 2021

PM (CO)
PR (07/10/2021)