



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

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CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.526 OF 2021

V.Sivasubramanian

... Petitioner

Versus

1.Karthikeyan

2.Sivakumar

... Respondents

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order made in CrI.M.P.No.357 of 2020 dated 4.11.2020 passed by the learned District Munsif-cum-Judicial Magistrate, Kurunjipadi and consequently direct the learned District Munsif-cum-Judicial Magistrate, Kurunjipadi to take the complaint on file and dispose of the same in accordance with law.

For Petitioner : Ms.D.Bharathy

O R D E R

This Criminal Revision Case has been filed against the order dated 4.11.2020 passed in CrI.M.P.No.357 of 2020 by the learned District Munsif-cum-Judicial Magistrate, Kurunjipadi.

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

3.It is seen from the records that the petitioner filed a complaint against the respondents before the jurisdictional police and the same was kept in abeyance. Thereafter, the petitioner filed a petition in CrI.O.P.No.8468 of 2020 before this Court seeking a direction to the respondent police to register the petitioner's complaint in C.S.R.No.333 of 2020 dated 29.05.2020. By order dated 02.07.2020, this Court granted liberty to the petitioner to work out his remedy in accordance



with the guidelines issued in CrI.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.357 of 2020 under Section 200 Cr.P.C before the learned District Munsif-cum-Judicial Magistrate, Kurunjipadi. The learned Magistrate, after due enquiry dismissed the petition on the ground that the complaint is purely civil in nature. Challenging the said dismissal of the private complaint, the Criminal Revision Case has been filed by the petitioner.

4. In criminal offences, if the Police Officer or officer in charge refuses to register a first information report about commission of a cognizable offence within his territorial jurisdiction under Section 154(3), the informant can approach any senior officer of police or the Superintendent of Police or the Commissioner of the police with a written complaint. Even after submitting a complaint to Senior Police officials no FIR is lodged then the informant is legally entitled to file a complaint to the Judicial Magistrate/ Metropolitan Magistrate u/s 156(3) read with Section 190 of the criminal procedure thereby requesting the FIR to be registered by the police and commencing investigation into the matter. The Informant can file a Complaint under Section 200 CrPC. The provisions provided under Section 200 are not a mere formality but instead made by the legislature to protect and guard the accused person against the unwarranted complaints. It is mandatory that the complaint filed by the complainant should contain the facts which establish offence and if these facts mentioned in the complaint turns out to be false in respect to the offence then Magistrate is not required to take an account of such complaint. He has the discretion to dismiss such complaints without making any further inquiries.

5. In the present case, the learned District Munsif cum Judicial Magistrate, on perusal of entire records of the case, found that civil dispute is pending before the court and the complaint is civil in nature and ingredients of offence are not made out against the accused. Therefore, in the light of the above facts and also on perusal of the records and other materials, it would reveal that the claim of the petitioner is purely civil in nature, hence, this Court does not find any perversity or illegality in the order passed by the learned Magistrate. Accordingly, the Criminal Revision Case is



dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

ms

To

1.The District Munsif-cum-Judicial Magistrate,
Kurunjipadi.

+1CC to M/s.D.Bharathy, Advocate, SR.No. 44103

Cr1.R.C.No.526 of 2021

AJS(CO)
B.VC (29/09/2021)