

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.995 of 2020

S.Muruganantham  
(Amended as per order in M.P.  
No.349/21 in R.C.no.995/2020  
dated 19.01.2021) ... Petitioner/  
Complainant

.Vs.

1. John Victor  
2. S.Govindhasami  
3. C.Ragubathi  
4. Tamilarasan  
5. Suresh ... Respondents/  
Respondents

PRAYER : Criminal Revision case filed under Sections 397 r/w 401 or Cr.P.C. to set aside the order passed by the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District in Crl.M.P.No.3891 of 2020 dated 04.02.2020 and direct the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District to take cognizance on the petitioner's complaint filed u/s 200 Cr.P.C.

For Petitioner : Mr.N.Prateiki  
For Mr.Swami Subramanian

O R D E R

This Criminal Revision has been filed against the order passed by the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District in Crl.M.P.No.3891 of 2020 dated 04.02.2020 and direct the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District to take cognizance on the petitioner's complaint filed u/s 200 Cr.P.C.

2. The petitioner lodged a private complaint in Crl.M.P.No.3891 of 2020, under Section 200 Cr.P.C. before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District against the respondents and the same was dismissed vide order dated 04.02.2020. Challenging the same, the petitioner is before this Court by way of present revision.

3. The learned counsel for the petitioner would submit that the first respondent herein filed complaint against the petitioner and the same was registered in Cr.No.144 of 2019. He would further submit that even before the first respondent lodged the complaint against him, he gave complaint against the respondents, but the jurisdictional Inspector of Police, Tiruthuraipoondi registered a case against the petitioner, without even mentioning about the complaint given by the petitioner against the respondents and further the Jurisdictional police has not taken any action on the complaint given by the petitioner and therefore the petitioner approached the learned Judicial Magistrate, Thiruthuraipoondi by way of private complaint and the learned Magistrate also failed to consider the same and simply dismissed the petition, which warrants interference by this Court.

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

5. The main grievance of the petitioner is that the Inspector of Police, Thiruthuraipoondi has not registered case on the complaint given by him, which was given by him prior to the complaint given by the first respondent and registered the complaint given by the first respondent against the petitioner, but the learned Magistrate has not considered the said fact and dismissed the private complaint filed by the petitioner under Section 200 Cr.P.C.. But, it is seen that the petitioner has not impleaded the Inspector of Police, Tiruthuraipoondi as a respondent in the complaint preferred before the learned Magistrate and therefore the petition filed by the petitioner before the learned Magistrate is not maintainable and the learned Magistrate rightly dismissed the same. This Court does not find any perversity in the order passed by the Court below. There is no illegality or infirmity in the order passed by the Court below.

6. In view of the same, this revision is liable to be dismissed and accordingly the same is dismissed. However, the petitioner is at liberty to file fresh complaint before the Jurisdictional Police and if the petitioner files a fresh complaint, the Jurisdictional police is directed to act in accordance with law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Judicial Magistrate,  
Thiruthuraipoondi,  
Thiruvarur District.

+1cc to Mr.SWAMI SUBRAMANI, Advocate, S.R.No.5840

NMI (CO)  
SM/24/02/2021

CrI.R.C.No.995 of 2020



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