



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.854 of 2017

S.Nirosha

...Petitioner/Defacto Complainant

Vs.

The State represented by
The Inspector of Police,
Walajabath Police Station, Walajabath,
Kancheepuram District.

...Respondent/Complainant

PRAYER: This Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., against the order in C.M.P.No.1579 of 2016, on the file of the learned Judicial Magistrate No.II, Kancheepuram, dated 12.07.2016.

For Petitioner : No appearance

For Respondent : Mr.R.Vinoth Raja
Government Advocate

O R D E R

This Criminal Revision Case has been filed against the order passed in CMP.No.1579 of 2016 in Crime No. 116 of 2016, by the learned Judicial Magistrate No.II, Kancheepuram, dated 12.07.2016, whereby, the petition filed by the defacto complainant for re-investigation was dismissed.

2.Heard the learned Government Advocate and perused the materials placed on record.

3.On the basis of the complaint preferred by the petitioner dated 29.02.2016, the Investigation Officer had registered a case in Crime No.116 of 2016, against the accused for the offence under Section 294(b), 506(i) of IPC and investigated the case and filed the final report stating as "mistake of facts" and the referred charge sheet. Thereafter, an application has been filed by the defacto complainant alleging that the case was not properly investigated and notice of R.C.S was not given.

4.After perusal of the statement of witnesses including defacto complainant, the Investigation Officer has found that on account of previous enmity, against the accused, defacto



complainant has preferred a false complaint and the neighbouring villages, all the witnesses have uniformly stated that the accused have never abused or threatened the defacto complainant with dire consequences.

5. Further, the records reveals that the defacto complainant has filed objection to RCS. Though, a plea was raised before the Trial Court that no notice before referred charge sheet was filed, from the records by a letter dated 23.05.2016 along with copy of the final report, RCS notice was duly served upon the defacto complainant by affixed residence. In the presence of the witness, she had refused to receive the referred charge sheet.

6. Hence, the reason assigned by the Trial Court that the petitioner has not disposed any fresh facts in this petition and taking note of the statement of general public, the learned Judicial Magistrate has rightly rejected the petition and hence, this Criminal Revision Case devoid of merits.

7. Accordingly, this Criminal Revision Case stands dismissed and the judgments of the Hon'ble Supreme Court, reported in

(i) 2009 (9) SCC 129 - [Reeta Nag Vs. State of West Bengal and Others]

(ii) 2015 (8) SCC 774 - [Chandra Babu alias Moses Vs. State through inspector of Police and others], are taken note of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Kancheepuram.
2. The Inspector of Police,
Walajabath Police Station,
Walajabath, Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

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NSK 24/09/2021