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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1092 of 2019  
and  
Crl.M.P.No.14754 of 2019

S.Siva @ Sivagnanam

... Petitioner

..vs..

1. The Inspector of Police,  
W.32 All Women Police Station,  
Madipakkam, Chennai.

2. V.Ambika

... Respondents

(2<sup>nd</sup> respondent suo motu impleaded as per  
order of this Court dated 24.10.2019  
in Crl.R.C.No.1092 of 2019)

Criminal Revision Case filed under Section 397 read with  
401 Cr.P.C, to call for the records in C.M.P.No.4658 of 2019 in  
C.C.No.568 of 2017 dated 03.09.2019 pending on the file of the  
Judicial Magistrate Court, Alandur, Chennai - 16.

For Petitioner : No appearance

For Respondents : Mr.S.Sugendran  
Government Advocate (Crl.Side)  
for R1  
No appearance for R2

O R D E R

This Criminal Revision Case has been filed against order  
dated 03.09.2019 passed in C.M.P.No.4658 of 2019 in C.C.No.568  
of 2017 by the learned Judicial Magistrate, Alandur, Chennai -  
16.

2. There is no representation for the petitioner as well as



the second respondent.

3. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

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4. The respondent police registered the case in Crime No.3 of 2012 against the petitioner for the offence under Sections 498A, 419, 420, 494 and 506(i) IPC. On completion of investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Alandur, Chennai and the same was taken on file in C.C.No.568 of 2017 and charges were framed against the petitioner for the above said offences. During the pendency of the trial, the petitioner filed a petition in C.M.P.No.1743 of 2018 under Section 239 Cr.P.C before the learned Judicial Magistrate, Alandur to discharge him from the case in C.C.No.568 of 2017. The learned Magistrate, after enquiry, discharged the petitioner only for the offence under Section 498(A) IPC, since he was already convicted for the same offence in C.C.No.803 of 2007 on 28.03.2017 and proceeded with the trial for other offences. Subsequently, the petitioner filed a petition under Sections 211 and 300 Cr.P.C seeking to enquire and close the case in C.C.No.568 of 2017. The learned Magistrate, after enquiry, dismissed the petition. Challenging the same, the petitioner is before this Court.

5. On a careful perusal of the records, it reveals that the respondent police after investigation laid a charge sheet before the Court below and the same was taken on file in C.C.No.568 of 2017 and charges were framed against the petitioner. During the pendency of the trial, the petitioner filed discharge petition and he was discharged from the offence under Section 498(A) IPC. As such charges were framed for the offences under Sections 419, 495, 420 and 506(i) IPC and posted for trial. Subsequently, C.M.P.No.4658 of 2019 has been filed under Sections 211 and 300 Cr.P.C seeking to enquire and close the proceedings in C.C.No.568 of 2017. The learned Judicial Magistrate, Alandur after hearing both sides and on perusal of the records pointed out that the cause of action for the offences in C.C.No.803 of 2007 and C.C.No.568 of 2017 are entirely different for the charged offences are concerned and also observed that this Court directed to proceed with the trial. The learned Judicial Magistrate further observed that the petitioner by way of suppressing such order get direction to consider the above said petition by way of Crl.O.P.No.9927 of 2018. It was further observed that the petitioner has re-agitated the same issue before the Court by way of second application specifying different provision for the petition and that once charges framed, the accused can take his defence in the manner known to law during trial.



6. This Court is of the considered view that the petitioner has not challenged the dismissal of the discharge petition with reference to the other charges, instead he filed the petition under Sections 211 and 300 Cr.P.C to close the case in C.C.No.568 of 2017. Under these circumstances, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed. However, liberty is granted to the petitioner to take all his defence in the trial.

Sd/-  
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,  
Alandur, Chennai - 16.
2. The Inspector of Police,  
W.32 All Women Police Station,  
Madipakkam, Chennai.
3. The Public Prosecutor,  
High Court, Madras.

Cr1.R.C.No.1092 of 2019  
and  
Cr1.M.P.No.14754 of 2019

SSI (CO)  
SU(23/09/2021)