



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.02.2022

Pronounced on : 21.02.2022

CORAM :

JUSTICE N.SESHASAYEE

Crl.R.C.No.15 of 2020

P.N.Peruvazhuthi .. Revision Petitioner / Appellant
Petitioner / Defacto complainant

Vs.

1. Jothi Ranga Reddy .. 1st Respondent / 1st Respondent
1st Respondent / 4th Accused

2. Anandan
S/o/.Jayaraman
Sub Inspector of Police / I.O.,
Chetpet Police Station
Chetpet,
Tiruvannamalai District.
.. 2nd Respondent / 2nd Respondent
2nd Respondent / Investigation Officer

PRAYER: Criminal Revision Petition filed under Section 397 r/w.401 of Cr.P.C., to call for the records in Criminal Appeal No.21 of 2018 dated 5.11.2019 on the file of the Principal District Judge, Tiruvannamalai and Crl.M.P.No.5457 of 2017 dated 30.5.1998 in C.C.No.12 of 2008 on the file of the learned Judicial Magistrate, Polur and to set aside the same and to restore the original Crl.M.P.No.5457 of 2017 dated 30.5.1998 in C.C.No.12 of 2008.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondents : No appearance

O R D E R

This revision is preferred by a certain Peruvazhuthi challenging the judgment dismissing his Criminal Appeal No.21 of 2018, by which the learned Principal Sessions Judge has confirmed the order of the learned Judicial Magistrate, Polur in



Crl.M.P.No.5457 of 2017 in C.C.No.12 of 2008.

2.1 The brief facts are :

- The revision petitioner / defacto complainant has lodged a complaint with Chetpet Police Station, Tiruvannamalai District, based on which, a case came to be registered in Crime No.156 of 2007. The allegations are: A3 is the mother of A4, and there were long-standing civil and criminal disputes between Peruvazhuthi, the defacto complainant and A3 and A4. At the instigation of A3 and A4, a certain Saravanan (A2) in the company of A-1 drove a tractor belonging to A4, and ran it over the property of Peruvazhuthi and caused damage to him.
- After completing the investigation, a final report was laid and accused were charge-sheeted for offences under Sections 447, 427, 506(ii) r/w. 109 IPC.,
- Be that as it may, A1 and A3 had passed away, and the trial proceeded only against A2 and A4. On trial, the trial Court acquitted A4 and convicted A2 for offences under Section 447, 427 IPC.
- The learned Magistrate has taken cognizance of the complaint to his file in C.C.No.12 of 2008 and the judgment was delivered on 08.02.2019. This is the setting.

2.2 Now during the pendency of this case, Peruvazhuthi, the defacto complainant had filed a petition in Cr.M.P.No.5457 of 2017 under Section 340 Cr.P.C., to initiate action under Section 195 Cr.P.C., against A4 and a certain Anandan, who was the Sub Inspector of Police, Chetpet Police Station, Tiruvannamalai District, at that relevant time, and the one who registered the case. The allegation is that the aforesaid Sub Inspector of Police at the instigation of A4 had deliberately manipulated the husband's name of A3 and the father's name of A4 (to remind A4 is the son of A3). The following particulars are also relevant:

- As per the records that Peruvazhuthi himself has filed a memo before the trial Court, pointing out the errors and this was partly allowed,
- The trial Court took this petition on file and invited counter from A4 and Anandan, the Sub Inspector of Police. During enquiry, the defacto complainant produced some 25 documents. After perusal of the records, the trial Court held that filing of the said petition is an abuse of judicial process and dismissed the same.
- The defacto complainant/revision petitioner challenged this dismissal order before the Principal Sessions Court, Tiruvannamalai in Crl.Appeal No.21 of 2018, and on 05.11.2019, this too came to be dismissed.



This judgment of the learned Principal Sessions Judge is now in challenge and the present revision is directed.

WEB COPY

3. When the matter was taken up by this Court, this Court pointedly enquired the revision petitioner if there was any impersonation owing to the alleged variance in the husband name of A3 and hence, the father's name of A4. To this the revision petitioner would inform the Court that there is no problem with identity in terms of those who were actually prosecuted, but only in describing these persons in terms of their husband's name or the father's name, as the case may be, a deliberate false statement was made. In other words, the revision petitioner has no case that the alleged false statement has led to the commission of an offence under Sec.205 IPC.

4. This Court is at a loss to understand how it is going to make any difference to the ultimate outcome of the case when somebody's father or husband name is wrongly given even assuming the statement of the revision petitioner is true. And, Sec.340 Cr.P.C. by its very nature require initiation of action under Sec.195 Cr.P.C. only when the court consider it expedient to initiate an action, but not otherwise. As already indicated the revision petitioner herein has no grievance that a misdescription of the husband's or father's name has led to a wrong identification of the accused person, and that it has led to failure of justice. In the given circumstances, the Courts below have come to the just conclusion that it was not expedient to initiate an action under Sec.340 Cr.P.C. And, in this revision, this Court does not intend to interfere with the same, as it neither raised an issue of illegality or impropriety in the order challenged in this revision.

5. In final analysis, this Court does not find any merit in this case and this revision is dismissed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ds



To:

1. The Principal District Judge,
Tiruvannamalai District.
2. The Judicial Magistrate,
Polur.

WEB COPY

+1cc to Mr.G.A.Thiyagarajan, Advocate, S.R.No.11289

Crl.R.C.No.15 of 2020

AJS (CO)
SU (27/04/2022)