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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.R.C.NO.348 OF 2022

Arumugam

... Petitioner

Versus

Sundramoorthy,
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri.

... Respondent

PRAYER:-

Criminal Revision Petition has been filed under Section 397 & 401 of the Code of Criminal Procedure, praying to call for the records and to set aside the order dated 21.12.2021 made in C.M.P.No.6406 of 2021 on the file of the learned Judicial Magistrate No.I, Dharmapuri and subsequently to register the FIR based on the petitioner's complaint.

For Petitioner : Mr.K.Gangadaran

O R D E R

This Criminal Revision Case has been filed praying to call for the records and to set aside the order dated 21.12.2021 made in C.M.P.No.6406 of 2021 on the file of the learned Judicial Magistrate No.I, Dharmapuri and to direct the respondent police to register the FIR based on the complaint given by the petitioner.

2. The case of the petitioner is that he had preferred a private complaint before the learned Judicial Magistrate No.I, Dharmapuri, alleging that the respondent, namely, Sundramoorthy, committed the offences under Sections 294(b), 449, 500 and 506 (i) of IPC. The learned Judicial Magistrate No.I, Dharmapuri, after recording the sworn statement from the revision petitioner and after recording the evidence given by one Sakthivel as C.W.1 came to the conclusion that the petitioner has not shown a prima



facie case for the offences punishable under Sections 294(b), 449, 500 and 506(i) of IPC and ultimately, by order dated 21.12.2021, dismissed the complaint filed by the revision petitioner.

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3. Challenging the same, the revision petitioner is before this Court with the present Criminal Revision Case.

4. Heard the learned counsel appearing for the revision petitioner.

5. Now, on going through the private complaint filed by the revision petitioner before the trial Court as well as the sworn statement recorded from him, he raised allegation against the respondent that during the relevant point of time, the respondent pushed him into the control room and thereafter, he criminally intimidated the revision petitioner. Further, it was stated that immediately after the said occurrence, one SSI namely, Tamilagan came there and advised the revision petitioner and his brother to partition the property and after made such advise sent out the petitioner from the Police Station.

6. Since the complaint presented by the revision petitioner before the trial Court under Section 200 of Cr.P.C., it is for the Magistrate before taking cognizance, it should be necessary to consider the statements recorded upon oath and the statement given by the witnesses. In fact, the said procedure has correctly been followed by the Magistrate and after which he came to the conclusion that there is no sufficient ground for proceeding with the complaint filed by the revision petitioner, dismissed the petition.

7. The Magistrate may dismiss a complaint under Section 203 of Cr.P.C. on any one of these three grounds. In the first place under Section 203, if he, upon the statement made by the complainant, reduced to writing under Section 200, finds that no offence has been committed; in the second place, if he distrusts the statement made by the complainant he may also dismiss the complaint; and in the third place, if he distrusts the complainant's statement, but his distrust is not sufficiently strong to warrant him to act upon it, he may direct a further inquiry as provided in Section 200 and he may either conduct this inquiry himself or depute a subordinate officer to conduct it.

8. Here, it is a case, by stating the first reason, the learned Magistrate dismissed the petition. Therefore, we are also in a stage to consider that the revision petitioner has not shown a prima facie case for the offences punishable under Sections 294(b), 449, 500 and 506(i) of IPC. In this regard, in



the impugned order, the learned Judicial Magistrate No.I, Dharmapuri, has correctly held that in respect of the offence under Section 294(b) IPC, there is no evidence about the words uttered by the respondent as against the revision petitioner. Further, there is no evidence that the alleged occurrence had happened in view of the public and also held that in respect of Section 500 IPC that the words uttered by the respondent, is not in the form of defaming the revision petitioner.

9. Further, in respect to the criminal intimidation, the witness examined as C.W.1 had given evidence as the respondent had threatened him as he was going to register a police case against him. Therefore, there was a contradiction found in the sworn statement recorded from the complainant and the evidence given by C.W.1. Accordingly, in respect of the offence under Section 506(i) of IPC also, the petitioner has not shown a prima facie case and accordingly, this Court cannot find any infirmity in the impugned order passed by the learned Judicial Magistrate No.I, Dharmapuri.

10. Resultantly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Judicial Magistrate No.I,
Dharmapuri.
2. The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

CRL.R.C.NO.348 OF 2022

PMK(CO)
PBS/08/04/2022