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Crl.R.C.No.958 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.958 of 2020

A.Gunasekaran

... Petitioner

Vs.

1. S.N.Pandiyan

2. S.N.Mani

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., against the order dated 20.08.2020 made in C.M.P.No.953 of 2020 on the file of the learned Judicial Magistrate, Tiruchengode.

For Petitioner : Mr.N.Manokaran

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ORDER

This Criminal Revision Case has been filed against the order dated 20.08.2020 passed in C.M.P.No.953 of 2020 on the file of the learned Judicial Magistrate, Tiruchengode.

2. The learned counsel for the petitioner would submit that the respondents/accused come along with deadly weapons and destroyed the six shops and house. Hence, the petitioner has filed a complaint before the Station House Officer, Thiruchengode Town Police Station and since the police has not taken any action, he has given complaint dated 22.02.2020 before the Superintendent of Police, Namakkal District under Section 154(3) Cr.P.C., Since, the complaint was not entertained, the petitioner has filed a private complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate, Thiruchengode in Crl.M.P.No.953 of 2020. The learned Magistrate after enquiry, without considering the entire facts, dismissed the petition on the ground that the dispute between the parties are civil in nature. Aggrieved over the same, the petitioner has filed the present



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Criminal Revision Case before this Court.

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3. The matter is coming up for hearing under adjourned admission. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner has stated that he has given complaint before the Inspector of Police, Thiruchengode. Since he has not taken any action, he preferred the complaint under Section 154(3) Cr.P.C., before the Superintendent of Police, Namakkal, which was not entertained and hence he filed a private complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate, Thiruchengode. The petitioner has neither impleaded the Inspector of Police, Thiruchengode, nor the Superintendent of Police, Namakkal District as party to the proceedings. Further, he has not filed the complaint before the concerned Judicial Magistrate under Section 200 Cr.P.C., instead, he filed the complaint under Section 156(3) Cr.P.C. Therefore, in the facts and circumstances of the case, this Court cannot pass order, unless the Police is added as a party to get explanation or to receive



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counter from the Police. This Court finds that without impleading either the Inspector of Police, Thiruchengode or the Superintendent of Police, Namakkal District, the complaint filed by the petitioner before the Judicial Magistrate is devoid of merits. Therefore, the Criminal Revision Case is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

15.12.2022

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Index:yes/No
Internet:yes/No

To

The Judicial Magistrate, Tiruchengode.



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P.VELMURUGAN, J.

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