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Crl.R.C.No.1617 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 21.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

Crl.R.C.No.1617 of 2022

K.N.K.Senjeraja,

... Petitioner

Vs.

State Rep. by,  
The Inspector of Police,  
Gingee Police Station,  
Gingee.

... Respondent

**Prayer:** Criminal Revision Case is filed under Sections 397 r/w 401 of Cr.P.C., to set aside the order dated 07.01.2021 passed in RCS No.54 of 2020 in Crime No.754 of 2013, on the file of the Judicial Magistrate Court, Gingee.

For Petitioner : Mr.K.N.K.Senjeraja (Party-in-Person)

For Respondent : Mr.C.E.Pratap,  
Government Advocate (Crl.Side)

**ORDER**

This Criminal Revision Case is filed against the impugned order dated 07.01.2021 passed in R.C.S.No.54 of 2020, in Crime No.754 of 2013, by the Judicial Magistrate, Gingee.

2. The revision petitioner appeared before this Court in person and



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submitted that he is a Social Activist. He has filed a complaint in crime No.754 of 2013 against the alleged accused person before the respondent police, as the accused namely Rameshbabu and Raja gave false information and registered a false case in crime No.617 of 2006 as against this petitioner. The Ambassador car bearing Reg.No.TN-09-A-6936, involved in the dispute stands in the name of one Chandrasekar, not in the name of Rameshbabu. Since, the police registered a false case as against this petitioner, action may be taken against the person for offences under Sections 211 and 465 of I.P.C. After investigation, the complaint in crime No.754 of 2013 is closed as mistake of fact. On receiving RCS notice, the petitioner filed protest petition before the Judicial Magistrate, Gingee. However, the Learned Judicial Magistrate accepting the police report as mistake of fact, dismissed the protest petition.

3. Aggrieved by that, the petitioner filed this present revision and pleaded to set aside the order passed by the Trial Court.

4. The Learned Government Advocate (Crl.Side) submitted that on enquiry, it revealed that the disputed car bearing Regn.No.TN-09-A-6936 stands in the name of Rameshbabu. So, there was no truth in the complaint,



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hence, the complaint was closed as mistake of fact, which was accepted by the Judicial Magistrate. There is no infirmity in accepting the final report filed by the police. Hence, seeks for dismissal of revision.

5. I have considered the submissions made by the Learned Counsel for the petitioner and the Learned Government Advocate (Crl.side) for the respondent. Records perused.

6. On perusal of records, it reveals that this petitioner gave the complaint against one Mr.K.S.Masthan and his brothers namely, Dhasthagir, Jehangir, Nazir Ali and Chota Basha. The complaint has been registered in Crime No.616 of 2006 for offences under Sections 294(b), 324 of I.P.C. As a counter blast, Mr.K.S.Masthan, conspired with his Deputy Secretary Raja and filed the complaint against this petitioner, as if he misused and abused their caste name and damaged the car bearing Regn.No.TN-09-A-6936. Hence, the complaint has been registered in crime No.617 of 2006 against this petitioner. Subsequently, this petitioner through RTI got information that the Ambassador car bearing Regn.No.TN-09-A-6936 not stands in the name of Rameshbabu and Raja. Therefore, the petitioner gave a complaint to register the case against



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Rameshbabu and Raja for giving false information to Police and the complaint has been received by the respondent police and registered the case in Crime No.754 of 2013 for the offences under Sections 211 and 465 of I.P.C. After investigation, they found that the Ambassador car bearing Regn.No.TN-09-A-6936 stands in the name of Rameshbabu. Therefore, they closed the F.I.R as mistake of fact. The closure report notice has also been sent to the defacto complainant/petitioner. Hence, the petitioner filed the protest petition before the trial Court.

7. After considering the protest petition, the trial Judge came to the conclusion that the ambassador car bearing Reg.No.TN-09-A-6936 stands in the name of Rameshbabu. The R.T.O also gave the report that with effect from 28.09.2001, the car stands in the name of Rameshbabu, S/o.Ramaputhiran. Further, from the police report, it is seen that the accused Rameshbabu purchased the car bearing Reg.No.TN-09-A-6936 from Chandrasekar on 28.01.2001. Subsequently, he transferred the car in his name and rented it to K.S.Masthan. Thereafter on 21.12.2006, he sold the car to one Prabakaran S/o.Perumal, thereafter, it was purchased by Rameshbabu further. Under such circumstances, the police found no proof on the complaint given by the



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petitioner, hence, closed the complaint in crime No.754 of 2013 as mistake of facts. The trial Court also accepted the final report filed by the respondent police as mistake of fact and dismissed the protest petition. Therefore, I find no infirmity in the order passed by the trial Court. Accordingly, the ***Criminal Revision Case is dismissed.***

21.12.2022

Internet : Yes / No  
Index : Yes / No  
Speaking Order / Non Speaking order  
bsm

To,

1. The Judicial Magistrate, Gingee.
2. The Inspector of Police, Gingee Police Station, Gingee.
3. The Public Prosecutor, High Court, Madras.



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**V.SIVAGNANAM,J.**

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