

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 16/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.643 of 2022

L.Edwin @ Edwin Pandiyan : Revision Petitioner

Vs.

State through Inspector of Police,
Central Police Station,
Tuticorin,
Tuticorin District. : Respondent

Prayer:- This Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code to call for the records and to set aside the order in Cr.M.P No.472 of 2022 on the file of the Judicial Magistrate No.II, Tuticorin.

For Petitioner : Mr.Ka.Ramakrishnan

For Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

O R D E R

This criminal revision has been filed seeking to set aside the order passed in Cr.M.P No.472 of 2022 on the file of the Judicial Magistrate No.II, Tuticorin.

2.The facts in brief:-

The petitioner filed a complaint under section 156(3) Cr.P.C before the Magistrate Court with the following averments:- He is the President of Thoothukudi District Consumer Co-operative Whole Sale Stores Limited. He received an anonymous letter stating that a conspiracy has been undertaken by some of the co-workers to kill him. They also fetched people to murder him. On the basis of the above said anonymous letter, he lodged a complaint/petition before the concerned Magistrate court seeking direction to the respondent police to register a case and investigate the matter.

3.The trial court, after going through the complaint finding that it is vague in nature, no particulars and substance has been properly mentioned, on that ground, the above said petition came to be dismissed by the trial court.

4.Challenging the same, this petition has been preferred.

5.Heard both sides.

6.Even at the time of argument, the learned Government Advocate (Criminal side) would submit that if the petitioner gives a fresh complaint setting out the facts and circumstances and the persons suspected, they are ready to take action. Even without any proper particulars and substance, a petition/complaint was given and enquiry was undertaken as early as, on 20/08/2021 itself. In the enquiry, the petitioner as well as the counter petitioners have been called for enquiry and during the course of enquiry, the counter petitioners namely Kandasamy and others stated that they have not made any such criminal conspiracy, they did not make any trouble to the petitioner and criminal intimidation; Because of the internal rivalry between the members of the above said Association, some anonymous persons have given the complaint. There was no direct threat to the petitioner. So on that ground, the complaint itself was closed, on 31/10/2021. Thereafter only, this petition has

filed by this petitioner before the trial court in CrI.MP No.472 of 2022.

7.Even now the learned counsel appearing for the petitioner is not ready to give any proper complaint. But however, he insisted that the allegations are serious in nature and so, proper investigation must be undertaken by the respondent by registering a case.

8.As rightly contended by the learned Government Advocate (Criminal side), the complaint must be specific and the suspected persons are also to be clearly mentioned. On the basis of the anonymous letter, no action can be taken. So the only remedy available to the petitioner is to file a proper complaint.

9.In view of the above facts, this criminal revision is dismissed. However, liberty is granted to the petitioner to lodge a proper and specific complaint setting out the facts and circumstances against the suspected persons to the respondent police, within a period one week from the date of receipt of a copy of this order. If such proper complaint is filed, the

respondent may consider the same and investigate the matter as per law.

10. With the above said liberty, this criminal revision is **dismissed**.

16/09/2022

Index: Yes/No
Internet: Yes/No
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To,

1. The Inspector of Police,
Central Police Station,
Tuticorin,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G. ILANGO VAN, J

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Cr1.RC (MD) No. 643 of 2022

16/09/2022

