



Crl.R.C.(MD)No.1054 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1054 of 2022

Christudhas

... Petitioner/Accused

Vs

1. Androse

2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(R2 is *Suomotu* impleaded as
per order of the Court, dated
04/11/2022).

... Respondents/Complainants

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to set aside the order, dated 19.08.2015, of the learned Judicial Magistrate, Valliyoor in Crl.MP.No.8165/2015, directing the Sub-Inspector of Police, Koodankulam, Tirunelveli District, to register a case (FIR) on the Petitioner's petition.

For Petitioner : Mr.K.N.Thampi.

For Respondent :Mr.K.Ramaprabha (R1)

Mr.S.Manikandan (R2)
Government Advocate (Crl.Side)



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ORDER

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Challenging the order, dated 19.08.2015, in Crl.MP.No.8165/2015, passed by the of the learned Judicial Magistrate, Valliyoor, this Criminal Revision Case has been preferred.

2.Perusal of the complaint, dated 23.12.2014, shows that it was sent by the revision petitioner to the Inspector of Police, Koodankulam Police Station, reveals that on 14.09.2014, the revision petitioner along with other friends were travelling in a vehicle, bearing Registration No.KL 25 6666. When they were nearing Koodankulam, the first respondent, who drove the vehicle in a rash and negligent manner, as a result, the vehicle capsized and all the persons were got injured. After taking first-aid treatment in the nearby hospital, they went to Government Hospital, Trivandram, where they were admitted for several days and got treated for the injuries mentioned in the said complaint.

3.The learned Government Advocate (Crl.Side) would submit that the alleged complaint was not received by the second respondent Police. As per the direction issued by this Court, the concerned Police Official also appeared before this Court and stated that the entire CD file has been searched and there



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is no intimation about the alleged accident and also the admission of injured person in the hospital. In the absence of any complaint, the second respondent Police could not take any further action. He would further submit that, if the revision petitioner file a fresh complaint before the second respondent, it may be considered as per law.

4.Now, the grievance of the petitioner is that for the above said injuries, they filed M.C.O.P.Nos.76 and 77 of 2017, before the concerned Tribunals. Only on that occasion, they came to know that the said case was not registered by the Respondent Police.

5.It appears that the grievance of the petitioner is genuine and there is delay on the part of revision petitioner to approach either the trial Court or the concerned Inspector of Police.

6.In view of the above, the revision petitioner is directed to file a fresh complaint, before the second respondent, within a period of 15 days, from the date of receipt of a copy of this order. If any such complaint is filed, the second respondent may consider the same, in accordance with law, without influenced by the order passed by the trial Court.



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7. With the above directions, this Criminal Revision Case is disposed of.

30.11.2022

Index : Yes/No
Internet: Yes/No
PNM

To

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



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G.ILANGOVA, J.

PNM

ORDER IN

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