



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

CORAM:

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

**Crl.R.C(MD)No.744 of 2022**

**and**

**Crl.M.P(MD).Nos.9155 and 9157 of 2022**

1.Vignesh

: Petitioner/Petitioner/Accused No.4

Vs.

State rep., by  
The Inspector of Police,  
Satur Taluk Police Station,  
Virudhunagar District.  
(Crime No.328 of 2018)

: Respondent/Respondent/Complainant

**PRAYER:** Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the impugned order dated 07.07.2022 passed in Crl.M.P.No.19 of 2020 in C.C.No.197 of 2019 on the file of the Judicial Magistrate No.II, Sattur and set aside the same and discharge the petitioner in C.C.No.197 of 2019 on the file of the Judicial Magistrate No.II, Sattur.

For Petitioner

: Mr.S.Ramsundarvijayraj

For Respondents

: Mr.S.Manikandan  
Government Advocate

**ORDER**

**WEB COPY** The present criminal revision case is filed against the order passed by the learned Judicial Magistrate No.II, Sattur in CrI.M.P.No.19 of 2020 in CC.No. 197 of 2019.

2.The petitioner is the fourth accused in CC.No.197 of 2019.

3.The case of the prosecution in brief is as follows:-

The defacto complainant and the accused Ramamoorthi(A1) are cousins. On 26.12.2018 at about 10.00 pm., when the defacto complainant was sleeping in her house, the accused Ramamoorthi(A1), Krishnasamy(A2), Seethalakshmi(A3) and Vignesh(A4) came down to her house and abused her in filthy language and also assaulted her causing simple injuries to her. Based on the complaint given by the defacto complainant, the Sub-Inspector of Police, Sattur Taluk Police Station, registered FIR in Crime No.328 of 2018 against all the accused for the offences punishable under Sections 452, 294(b) and 323 of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act,2002. After completing investigation, he filed a final report against all the accused including the petitioner(A4) for the



aforesaid offences before the learned Judicial Magistrate No.II, Sattur. The petitioner(A4) filed a petition in CrI.M.P.No.19 of 2020 before the learned Judicial Magistrate to discharge him from all the offences under Section 239 of the Code of Criminal Procedure. The said petition was dismissed by the learned Judicial Magistrate No.II, Sattur, on 07.07.2022. Aggrieved over the same, the present revision petition is filed.

4.Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner and Mr.S.Manikandan, learned Government Advocate appearing for the respondent.

5.The main contention of the learned counsel for the revision petitioner is that, there is no overt act as against the petitioner(A4) and therefore, the final report filed by the Inspector of Police against the present petitioner cannot be sustained. However, a bare perusal of the final report clearly shows that the petitioner(A4) also trespassed into the house of the victim (defacto complainant) and assaulted her causing simple injuries to her. A perusal of 161(3) of the Code of Criminal Procedure statement of Dr.A.Senthilganesh shows that the victim stated before him that she was assaulted by four known persons on 26.12.2018. In the circumstances, I do not see any reason to



interfere with the findings recorded by the trial Court. Accordingly, the present

Criminal Revision Petition is dismissed. Consequently, connected

Miscellaneous Petitions are also dismissed.

**08.08.2022**

Index : Yes/No

Internet : Yes/No

*Rmk*

To

- 1.The Judicial Magistrate No.II, Sattur.
2. The Inspector of Police,  
Satur Taluk Police Station,  
Virudhunagar District
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**R. HEMALATHA, J.,**

*Rmk*

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