



*Crl.R.C(MD) No.990 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

**Crl.RC (MD)No.990 of 2022**

Kuzhanthisamy

: Petitioner

Vs.

The Inspector of Police,  
Salaikkiramam Police Station,  
Salaikkiramam,  
Sivagangai District.

: Respondent

**PRAYER:** The Criminal Revision case is filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order in Crl.M.P.No.112 of 2022 dated 05.07.2022 on the file of the District Munsif Court cum Judicial Magistrate, Ilayankudi, Sivagangai District and set aside the same.

For Petitioner : Mr.A.Joseph Jerry

For Respondent : Mr.SS.Madhavan  
Government Advocate (Crl.Side)



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## **ORDER**

This criminal revision case has been filed to set aside the impugned order dated 05.07.2022 made in Crl.M.P.No.112 of 2022 on the file of the District Munsif Court cum Judicial Magistrate, Ilayankudi, Sivagangai District.

2.The petitioner is a paddy dealer. When the petitioner and his driver were transporting 440 paddy bags in the Lorry bearing Registration No.TN-40-AR-1879, they halted at Viswanur and slept. Further, on the next day morning, at about 6.00 clock, the proposed accused namely, Rajamani and his son Santhosh and one pandi were stealing the paddy bags of the petitioner. Immediately, when they asked the proposed accused, they threatened the petitioner with dire consequences. Hence, a complaint was made to the second respondent police on 12.01.2022, but no action was taken. Thereafter, the petitioner herein filed a petition before the District Munsif Court, Judicial Magistrate, Ilayankudi, Sivagangai District and the same was dismissed. Challenging the said order, the present criminal revision case has been filed.



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3.The learned counsel for the petitioner would submit that initially the petitioner lodged the complaint before the respondent police, but they have not taken proper action. Hence, the petitioner filed a petition before the learned Judicial Magistrate. Only based on the statement of the respondent police, the learned Judicial Magistrate dismissed the petition as it is civil in nature. He would further submit that without appreciating the evidence properly, the learned Judicial Magistrate passed adverse order against him.

4.The learned Government Advocate (crl.side) would submit that the petitioner has not co-operated with the police for enquiry and he has not produced the documents and evidence. Therefore, the respondent police was unable to proceed further and the allegation against the respondent police is not proper one. Therefore, the criminal revision may be dismissed.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court directs the respondent police to conduct an enquiry once again on the petitioner's complaint dated 11.01.2022 in accordance with law and if any cognizance is made out, the respondent Police shall register a case against the accused persons.



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6. With the above direction, this Criminal Revision Case is disposed of.

**14.10.2022**

Index : Yes/No  
Internet : Yes/No  
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To:-

- 1.The District Munsif Court cum Judicial Magistrate,  
Ilayankudi, Sivagangai District.
- 2.The Inspector of Police,  
Salaikkiramam Police Station,  
Salaikkiramam,  
Sivagangai District.
- 3.The Section Officer,  
Criminal Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**A.A.NAKKIRAN,J.**

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