



CrI.R.C.(MD).No.1027 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.R.C.(MD).No.1027 of 2022

Mubarak

.. Petitioner/Petitioner

Vs.

1.R.Chandrasekar

2.R.Jeyakumar

3.R.Sugumar

4.S.Jeyanthi

5.K.Mageshwari

6.S.Krishnamoorthy

.. Respondents/Proposed Accused

7.The Inspector of Police,
Ganthimarket Police Station,
Tiruchirappalli.

.. 7th Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the Judgment passed by the learned Judicial Magistrate No.V, Tiruchirappalli, in CrI.M.P.No.22668/2022 by an order, dated 13.09.2022 and set aside the same.



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For Petitioner : Mr.A.S.Krishnan

For Respondents : Mr.S.Subash Chandrabose for R1 to R6

Mr.S.S.Madhavan for R7
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the Judgment passed by the learned Judicial Magistrate No.V, Tiruchirappalli, in Crl.M.P.No.22668/2022, dated 13.09.2022.

2.When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that summon was issued to the petitioner on the basis of the complaint given by him. But he was not available in the house. So information was given to the wife of the petitioner and in turn she asked to give it later. Again on 14.09.2022, summon was about to be served on him. Again the same answer was given by the wife of the petitioner. Later, he promised to appear before the Enquiry Officer. But in spite of the telephone communication, he failed to appear before the Enquiry Officer. So further action was not taken on the above said complaint.



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3.The learned counsel for the petitioner submitted that because of the pendency of the complaint before the concerned trial Court, the petitioner did not appear before the Enquiry Officer. Such sort of argument cannot be accepted by this Court. When a complaint has been given by the petitioner and summon was issued by the Enquiry Officer, it is the duty of the petitioner to appear before the respondent police and co-operate with him to complete the enquiry process.

4.Therefore, the petitioner shall appear before the Enquiry Officer and co-operate with him to complete the enquiry process. Depending upon the outcome of the enquiry, if the petitioner is aggrieved, he can workout his remedy in accordance with law.

5.With the above directions, this Criminal Revision Case stands disposed of.

28.10.2022

Index : Yes / No
Internet : Yes / No
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To

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- 1.The Judicial Magistrate No.V, Tiruchirappalli.
- 2.The Inspector of Police,
Ganthimarket Police Station,
Tiruchirappalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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