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Crl.R.C.No.67 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.01.2023

PRONOUNCED ON: 13.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.67 of 2023

C.Paramasivam	...	Petitioner
	/vs/	
M.Viswanathan	...	Respondent

PRAYER : Criminal Revision Case has been filed under Sections 397 & 401 of Code of Criminal Procedure to set aside the order dated 09.12.2022 passed in Cr.M.P.No.1798 of 2022 in C.C.No.Nil of 2022 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District.

For Petitioner ... Mr.A.Tamilarasan

ORDER

Challenging the impugned order dated 09.12.2022 passed in Cr.M.P.No.1798 of 2022 in C.C.No.Nil of 2022 by the learned Judicial Magistrate, Sulur, Coimbatore District, the Criminal Revision Case has been filed.



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2.The facts of the case is that the petitioner is the complainant and he is the Executive Committee Member of Lorry Urimaiyalargal Sangam, Sulus. The respondent is the accused and he was the Secretary of the above said Sangam from 2016 to 2021. During that period, the respondent was in-charge of the Petrol Bunk belonging to the Sangam and by misusing his official capacity and mismanagement by maintaining improper account, had swindled more than 1 crore and failed to submit accounts. When the petitioner demanded an account statement during that period on 29.07.2021 at 10.00 a.m at Petrol Bunk, Sulus, the respondent abused him with filthy language in the public place and also threatened him with dire consequences. Hence, the petitioner gave a complaint to the Sulus Police Station but they failed to register the complaint. After that he gave a complaint to the Superintendent of Police, on such complaint, they issued CSR No.686 of 2021 dated 30.10.2021 but no action has been taken. Hence, he filed a private complaint before the learned Judicial Magistrate, Sulus. The learned Judicial Magistrate dismissed the complaint for the reason stating that no material is available to substantiate the allegation mentioned in the complaint and no offence is made out for the offences



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punishable under Sections 294(b) and 506(i) IPC.

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3.The learned counsel for the petitioner contended that the petitioner is the Executive Member of Lorry Owners Association, Sular and the respondent was the Secretary of the Association for the period from 2016 to 2021. During that period, when the respondent was in-charge of that Association, he, by misusing his official duty and mismanagement of accounts, swindled more than Rs.1 crore and refused to give accounts. When the petitioner was questioned about the accounts on 29.07.2021 at 10.00a.m. at Petrol Bunk, Sular, the respondent abused with filthy language and threatened him with dire consequences in the public place. Hence, he sent a complaint to the Sular Police Station and the Superintendent of Police but they have not taken any action. Therefore, he filed a private complaint before the learned Judicial Magistrate, Sular and the learned Judicial Magistrate had not properly considered the complaint and his evidence dismissed the petition without any merit. Hence, filed the criminal revision petition to set aside the impugned order passed by the trial Court.

4.I have considered the submission made by the learned counsel for



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the petitioner and perused the materials available on record.

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5.On perusal of the records, the fact reveals that the petitioner/complainant is the Executive Committee Member of the Lorry Urimaiyalargal Sangam, Sular. The accused was the Secretary of the abovesaid Sangam for the period from 2016 to 2021. This fact is not disputed. With regard to the occurrence that took place on 29.07.2021 at 10.00 a.m. at the Petrol Bunk, Sular, the sworn statement of the complainant and the evidence of PW2 are not in support of the allegations stated in the complaint. The trial Court, in its order dated 09.12.2022 in para 2, 3 and 4 discussed the evidences. I have gone through the order of the trial Court. The trial Court recorded that there is no sufficient allegation and evidence in support of the allegation to attract the offence under Sections 294(b) and 506 (i) IPC and the trial Court is not satisfied with the evidence of the complainant and other witnesses.

6.Though the complainant and another witness PW2 Maheswaran were examined, PW2 Maheswaran, in his evidence before the court only stated that on 29.07.2021 at about 9.00 a.m. Viswanathan sent a whatsapp



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message against Paramasivam by using filthy language. According to PW1

Paramasvam, the occurrence took place on 29.07.2021 at about 10.00 a.m

the accused abused him with filthy language and apart from this, in the

complaint given to the Superintendent of police in CSR No.686 of 2021,

he had mentioned only wordy quarrel between them and not mentioned

about the alleged criminal intimidation and threatened. Under such

circumstances, the trial Court, after considering the statement on oath of

the complainant and one of the witnesses PW2, did not find sufficient

ground for proceeding and dismissing the complaint. I find no infirmity in

the order passed by the trial Court and no merit in the criminal revision

case. Accordingly, the criminal revision case is dismissed.

Index : Yes/No

Internet : Yes/No

13.02.2023

sms

To

1.The learned Judicial Magistrate,
Sulur, Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM ,J.



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Pre-delivery order made in
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