



Crl.R.C.No.404 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

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Kumarasamy

... Petitioner

Vs.

1.The Sub Inspector of Police,
Kadathur Police Station,
Kadathur.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Erode.

... Respondents

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the judgment dated 20.12.2021 passed in Crl.M.P.No.1995 of 2021 by the learned Judicial Magistrate Court No.II, Gobichettypalayam, Erode District.

For Petitioner

: Mr.M.Karthik

For Respondent

: Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 20.12.2021 passed in Crl.M.P.No.1995 of 2021 by the learned Judicial Magistrate Court No.II, Gobichettypalayam, Erode District.

2. The learned counsel for the petitioner submitted that there is a civil dispute between the complainant and the accused person. On 01.02.2021, while the complainant was in his house, the accused person entered into his house and threatened and also assaulted him. For which, a complaint was given but since now no action has been taken on the complaint given to the Superintendent of Police. Hence they have filed a petition under Section 156 (3) Cr.P.C., before the learned Judicial Magistrate. The learned Magistrate after recording the sworn statement of the complainant dismissed the complaint and the case was not forwarded for further investigation. The learned Magistrate has not properly appreciated the evidence on the complaint and the allegations contained therein. Hence seeks to set aside the impugned order.



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3. The learned Government Advocate (Crl.Side) for the respondent submitted that the Trial Court rightly dismissed the petition on the ground that the complainant has not disclosed the true facts and therefore, there is no error in the finding of the Trial Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and I have perused the materials on record.

5. On a perusal of the complaint and the impugned order, it is seen that the alleged occurrence took place on 01.02.2021 for that occurrence the complainant filed a complaint for the offence under Sections 120(b), 442, 294(b), 323 & 506(ii) I.P.C. The learned Magistrate after reading the sworn statement, in paragraph 4 of its judgment narrated that the complainant has not disclosed the true fact and that no cognizable offence was made out. The learned Magistrate has also further noted down the falsification of the complaint by mentioning the complaint receipt No.43 /2020 and disbelieved



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the receipt and the allegations on that ground. According to the complainant the occurrence took place on 01.02.2021 but the police receipt could not be given as 43/2020 for the incident occurred during the year 2021. Further he noted the material discrepancy for the allegations of taking treatment at hospital. At this circumstance, the Trial Court based upon the sworn statement and the allegations of the complaint found no *prima facie* case has been made out for forwarding the complaint to the respondent police. Hence dismissed the case. The finding of the trial Court is reasonable and I find no reason to interfere with the order of the trial Court. Hence this Criminal Revision Case is dismissed.

02.03.2023

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To

- 1.The Judicial Magistrate Court No.II, Gobichettipalayam, Erode District.
- 2.The Superintendent of Police,
Office of the Police Superintendent,
Erode.

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3.The Sub Inspector of Police,
Kadathur Police Station,
Kadathur.

4.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.SIVAGNANAM, J.,
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