



Crl.R.C. No.495 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No.495 of 2023

Sivaprakash

...Petitioner

Vs.

State represented by
The Inspector of Police
Namakkal Police Station
Namakkal District
(Crime No.644/2018)

... Respondent

Prayer : Criminal Revision filed under Sections 397 r/w 401 Cr.P.C. against the order dated 18.02.2023 passed by the learned Judicial Magistrate No.I, Namakkal, in Crl. M.P. No.2104 of 2022.

For Petitioner : Mr.P. Vetrivel

For Respondent : Mr. R.Vinothraja, GA (Crl. Side)

ORDER

Aggrieved over the orders dated 18.02.2023 passed by the learned Judicial Magistrate No.I, Namakkal, in Crl. M.P. No.2104 of 2022, the present Criminal Revision Case is filed.



Crl.R.C. No.495 of 2023

WEB COPY

2. The facts leading to the filing of the revision are as follows:

- i. The petitioner is the defacto complainant in Cr.No.644/18 which was registered by the Sub Inspector of Police, Namakkal Police Station, against the accused (since deceased), who is the father-in-law of the defacto complainant.
- ii. In the complaint, he had alleged that his father-in-law had taken away Rs.10,00,000/- from him and also threatened him with dire consequences.
- iii. This complaint of the defacto complainant was closed by the police as 'mistake of facts'
- iv. Aggrieved over the same, the present petitioner filed a protest petition in Crl. M.P. No.2104 of 2022 before the Judicial Magistrate No.I, Namakkal, and the same was dismissed, vide orders dated 18.02.2023, on the ground that the police had, after proper investigation, closed the complaint.
- v. This has been challenged in the present revision.
- vi. According to the prosecution it was the present petitioner who had murdered his father-in-law and therefore FIR was registered



CrI.R.C. No.495 of 2023

WEB COPY against him in Cr. No.643/2018 by the Inspector of Police, Namakkal Police Station.

vii. After concluding investigation in Crime No.643/2018, a final report was also filed before the Judicial Magistrate No.I, Namakkal.

3. Mr.P. Vetrivel, learned counsel for the revision petitioner contended that the father-in-law of the petitioner took away Rs.10 lakhs from the petitioner and when this was confronted by him, his mother-in-law handed over a knife to her husband and asked him to attack the revision petitioner. According to the counsel, when the revision petitioner tried to protect himself, he got injured in the scuffle and thereafter he was hospitalised. Subsequently the next day only he came to know that his father-in-law was no more.

4. The learned trial court judge, after considering the rival submissions of the parties, had observed that the present petitioner after attacking his father-in-law got admitted himself in the hospital in order to escape from the clutches of law and therefore the allegations made by



Crl.R.C. No.495 of 2023

WEB COPY

the petitioner in the protest petition are totally false. In fact, the trial court judge had perused the evidence adduced by the witnesses in Crime No.643/2018 and dismissed the protest petition filed by the present petitioner and therefore, I do not see any reason to interfere with the same.

5. In the result,

- i. the Criminal Revision is dismissed.
- ii. The orders dated 18.02.2023 passed by the learned Judicial Magistrate No.I, Namakkal, in Crl. M.P. No.2104 of 2022, is confirmed.

08.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

bga



WEB COPY



Crl.R.C. No.495 of 2023

R. HEMALATHA, J.
bga

To

1. The Judicial Magistrate No.I, Namakkal,
2. The Inspector of Police
Namakkal Police Station
Namakkal District

Crl.R.C.No.495 of 2023

08.08.2023