



Crl.R.C.No.1107 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

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

Crl.R.C.No.1107 of 2023

Santhoshini

... Petitioner

Vs.

1.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

2.Prabhakaran

3.Jeeva

... Respondents

(R2 and R3 are impleaded as per order dated 10.07.2023 in Crl.M.P.No.9569/2023 in Crl.R.C.No.1107/2023)

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records pertaining to the order passed in C.M.P No.3616/2022 dated 30.12.2022 on the file of the learned Judicial Magistrate No.1, Kallakurichi and set aside the same.



Crl.R.C.No.1107 of 2023

For Petitioner : Mr.T.Balachandran

For R1 : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenging the orders dated 30.12.2022 passed by the learned Judicial Magistrate No.1, Kallakurichi in C.M.P.No.3616/2022, the present revision is filed.

2.The revision petitioner filed a private complaint under Section 200 Cr.PC before the Judicial Magistrate No.1, Kallakurichi, seeking direction to the respondent police to register an FIR on the basis of the complaint preferred by him and investigate the case under Section 156(3) Cr.P.C. The learned Judicial Magistrate No.1, Kallakurichi dismissed the said petition by observing thus :

*“Petitioner absent. Petitioner counsel present.
On perusal of the status report filed by the Sub-Inspector of Police, Kallakurichi the respondent/police after enquiry as per CSR.No.968/2022 came to know no offence was committed by the said Jeeva and the further action in the*



Crl.R.C.No.1107 of 2023

WEB COPY *complaint given as per CSR.No.968/2022 is closed. Hence considering the same the respondent/police has made an enquiry and come to conclusion the further action was dropped to the complaint given by the petitioner. Hence this petition is closed.”*

3. Mr.T.Balachandran, learned counsel for the complainant would contend that a perusal of the complaint would clearly go to show that the present complainant was abused in filthy language and was also threatened with dire consequences by the accused apart from assaulting him. According to him, the learned Judicial Magistrate No.1, Kallakurichi, without going into averments made in the complaint, had dismissed the petition filed by the complainant mainly on the ground that the respondent police had already conducted an enquiry in this case and dropped further action.

4. In this circumstance, the orders passed by the learned Judicial Magistrate No.1, Kallakurichi is set aside and the matter is remitted back to the same Magistrate, to pass orders on merits strictly in



Crl.R.C.No.1107 of 2023

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5.With the above direction, the Criminal Revision Petition is disposed of.

11.08.2023

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

To

1.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

2.The Judicial Magistrate No.1, Kallakurichi



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Crl.R.C.No.1107 of 2023

R. HEMALATHA, J.
mtl

Crl.R.C.No.1107 of 2023

11.08.2023