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Crl.R.C.No.1685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1685 of 2023

J.Sathish

... Petitioner

Vs.

Veerasamy,
Inspector of Police (L & O),
D2 Anna Salai Police Station,
Chennai – 600 002.

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.2563 of 2023, on the file of the II Metropolitan Magistrate at Egmore, Chennai and to set aside the order dated 08.03.2023 passed in Crl.M.P.No.2563 of 2023, on the file of the II Metropolitan Magistrate at Egmore, Chennai.

For Petitioner : Mr.M.Velmurugan

ORDER

The petitioner lodged a private complaint against the respondent, who is the Inspector of Police (L&O), D2 Anna Salai Police Station, Chennai before the learned II Metropolitan Magistrate, Egmore, Chennai. The complaint was assigned as Crl.M.P.No.2563 of 2023. After examining the petitioner as well as witnesses and documents produced by him, the learned Magistrate, by order, dated 08.03.2023 dismissed the



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petition, against which. the present criminal revision.

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2.The case of the petitioner is that he is a practising Advocate and also founder of All India Road Users Welfare and Public Charitable Trust and he has been predominantly dealing with the cases in respect of Wakf. Chota Naksha Trust holding a marriage hall at Royapetah, Chennai. One Vijayakumar and Tabrez took the said property in lease from one Sajath Hussain Khan. On 08.10.2022, it was found that the marriage hall gate was broken and some people were consuming liquor inside. When questioned, one Noor Mohammed and Adanan abused and threatened the said Vijayakumar and Tabrez and a complaint lodged with the Inspector of Police (L&O), D2 Anna Salai Police, Chennai, but no action taken. Hence, the petitioner took steps to make an appeal to the Deputy Commissioner of Police, Triplicane, Chennai. When the petitioner approached the Deputy Commissioner of Police, he directed the petitioner to approach the Assistant Commissioner, D2 Anna Salai Police Station, Chennai. When the petitioner had gone to make his representation, the Assistant Commissioner of Police was not available. The petitioner was informed that he was available at Anna Salai Police



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Station. Hence, the petitioner had gone there and made his representation, at that time, the respondent herein came there, used abusive words and threatened him. The incident captured in CCTV camera of the Police Station. For the incident taken place on 08.10.2022, the petitioner lodged a complaint to the Commissioner of Police, Vepery, Chennai on 27.10.2022, Human Rights Commission and to other higher officials. Based on his representation, the Assistant Commissioner, Triplicane Range, Chennai conducted enquiry, but it was not an enquiry in the real sense. Hence, the petitioner lodged a private complaint for offence under Sections 166, 352, 506(i), 294(b) and 499 r/w 500 IPC against the respondent in Crl.M.P.No.2563 of 2023.

3.The contention of the petitioner is that the petitioner is an Advocate who is espousing the cause of his clients. As a dutiful Advocate, the petitioner fighting for his clients' rights. His clients Vijayakumar and Tabrez are the lease holders of Chota Naksha property situated at Royapetta, Chennai. The said property forcibly occupied by one Noor Mohammed, Adanan, for which, the petitioner lodged a compliant. The respondent failed to take action, on the other hand,



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supported the aggressors, due to which, the petitioner lodged a complaint to the Deputy Commissioner of Police and also made representation to the Assistant Commissioner of Police, Triplicane Range, Chennai. At that time, the respondent abused the petitioner as well as pushed him down. He further submitted that on the complaint of one Sajath Hussain Khan, FIR in Crime No.162 of 2023 registered against Jihan and Tabrez. On behalf of said Tabrez only, the petitioner lodged a complaint against the respondent. The complaint of Sajath Hussain Khan was immediately registered, but the complaint given by the affected parties not entertained, which would show that the respondent is acting in a partisan manner. When the same was questioned, the petitioner was abused and assaulted at the hands of the respondent.

4.He further submitted that before the Court below, three witnesses examined, namely, the petitioner, Tabrez and Syed Shahzada and documents produced, but the trial Court failed to consider the same, on the other hand, not entertained the complaint citing delay and on the ground of contradictions in the witnesses produced by the petitioner. The contradictions would confirm the witnesses are natural speaking the



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truth and present in the scene of occurrence which fact not considered by the Court below. Hence, he filed this criminal revision.

5.In support of his contention, the petitioner produced the copy of the lease deed, copy of the complaint, information sought through RTI and other documents.

6.Considering the rival submissions and on perusal of the materials, it is seen that the incident had taken place on 08.10.2022, but the petitioner lodged the complaint to the superior Police officers only after the delay of 20 days on 27.10.2022 and thereafter to the Assistant Commissioner of Police on 08.12.2022. No reason given for such delay. Further, there are vital contradictions in the statement of witnesses which are clearly recorded in the impugned order.

7.It is also seen that apart from the above complaint, the petitioner already approached the Human Rights Commission for the same cause of action.



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8.In view of the above and finding, the impugned order passed by the Court below is a detailed one giving all the answers. This Court is not inclined to interfere with the impugned order, dated 08.03.2023 and the same is hereby confirmed. Accordingly, this Criminal Revision Case stands dismissed.

9.It is made clear that the observations made herein is only for the purpose of disposal of this criminal revision, which cannot be referred to in any other proceedings.

10.10.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

The II Metropolitan Magistrate at Egmore,
Chennai.

M.NIRMAL KUMAR, J.



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