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CrI.R.C.No1269 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.1269 of 2020

T.Prabhakumar

...Petitioner

Vs-

1.

1. N.Hephzibah

2. Joyce Christy

...Respondents

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order of dismissal of private complaint in M.P.No.3129 of 2020 passed by the learned Judicial Magistrate No.III, Vellore, dated 21.10.2020.

For Petitioner : Mr.P.Kannan

Respondents : Mr.R.Bhagawat Krishna



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ORDER

The revision petitioner filed a private complaint under Section 200 Cr.P.C. against the respondents before the learned Judicial Magistrate No.III, Vellore, and same was dismissed on 21.10.2020. Aggrieved over the dismissal of the private complaint, the petitioner is before this Court with the present revision.

2 Learned counsel appearing for the petitioner would submit that the petitioner filed a complaint before the Viruthampet police stating that while the petitioner and his wife went to the CMC Hospital, Vellore, the first respondent, who is a younger daughter-in-law of the petitioner along with her mother viz. 2nd respondent, entered into the house of the petitioner and broke open the door and taken away the things and after hearing the said news, when the petitioner returned back home and enquired the respondents, he was threatened by the respondents with dire consequences. But the police officials did not take any action on the complaint given by the petitioner and hence the petitioner filed the private complaint. The learned Magistrate without considering the allegations levelled in the complaint



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against the respondents, dismissed the complaint, which warrants interference.

3 Heard both the learned counsel and perused the materials available on record.

4 The original complaint filed by the petitioner before the Viruthampet Police Station was annexed as Document No.6 with the private complaint filed by the petitioner under Section 200 Cr.P.C. before the learned Judicial Magistrate No.III, Vellore, in which the petitioner has clearly stated that in the absence of the petitioner, the respondents broke open the door of the house of the petitioner and taken away the things and when the petitioner questioned the same, he was threatened by the respondents with dire consequences. In the private complaint also there is *prima facie* allegations against the respondents and neither the police has taken any action on the complaint filed by the petitioner nor the Magistrate considered the allegations levelled in the private complaint against the respondents.

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A careful perusal of both the complaint filed by the petitioner before the Viruthampet police and the private complaint filed before the learned Magistrate shows that there are prima facie allegations against the respondents. Therefore the impugned order passed by the learned Judicial Magistrate No.3, Vellore, in M.P.No.3129 of 2020 dated 21.10.2020, is hereby set aside. The learned Magistrate is directed to summon the accused and proceed with the complaint in accordance with law.

6 with the above observations and directions, this criminal revision is allowed.

09.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No

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To

The Judicial Magistrate No.III, Vellore

P.VELMURUGAN, J.,

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