



Crl.R.C.No.1089 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.03.2023

PRONOUNCED ON : 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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S.Suganthy

... Petitioner

Vs.

1. Panjanivel

2. Viola Sagayamarie Flora Samuel

... Respondents

PRAYER: Criminal Appeal filed under Section 397 r/w. 401 of Cr.P.C. to call for the records from the learned Chief Judicial Magistrate, Puducherry and set aside the Order dated 21.09.2021 made in Crl.M.P.No.937 of 2021 on the file of the Chief Judicial Magistrate, Puducherry and to allow the Criminal Revision Petition.

For petitioner : Ms.R.Kalaiyarasi

For Respondents : Mr.B.Balavijayan



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ORDER

Challenging the Order passed by the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.937 of 2020 dated 21.09.2021, the present Criminal Revision has been filed.

2. The fact of the case is that the the petitioner is the complainant and the respondents are accused persons and they are husband and wife. The petitioner and the respondents are residing in a house owned by one Mr.Arokiadas and he is residing in France. The complainant is residing in the first floor and the respondents are residing in the ground floor. On 24.09.2019, at bout 3 p.m., the respondents poured pesticide powder in the entire building including the pathway. Due to the irritating smell of poisonous nature, the petitioner's family suffered breathing problem. Hence, they opened all the windows and doors common to all of them. Due to this, the respondents entered into the petitioner's house and abused her in filthy language and the second respondent with an intention to kill the petitioner, assaulted the petitioner with a wooden stick and attempted to kill



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her. Thereafter, the petitioner contacted the police through phone no.100.

The police after receiving the complaint from the complainant, has not taken any action, since the first respondent is a Government official. The respondents by using Government power, prevented the police from taking any action. The petitioner sent complaint to various higher officials. But no action has been taken. Hence, the petitioner filed a complaint before the Judicial Magistrate, Puducherry under section 156 [3] Cr.P.C. for forwarding the complaint to the respondent to register the First Information Report and to investigate and to file the final report. The learned Magistrate, after receiving the complaint under section 156[3] of Cr.P.C., called for a report from the police. The police filed a report stating that there is a dispute between the landlord and the petitioner and a case is also pending between the parties. It is further stated that the incident is not proved and only a wordy quarrel had happened. Hence, the learned Magistrate stating that the petitioner is not bonafide on her part and no cognizable offence is disclosed in the complaint, dismissed the complaint. Aggrieved by this Order, the petitioner has filed the present Criminal



3. The learned counsel for the petitioner would submit that the trial Court failed to appreciate the allegations stated in the complaint and also failed to appreciate the accident register filed by the petitioner to show the petitioner's injury and treatment particulars. He would further contend that since a cognizable offence is made out, a case has to be registered and it has to be investigated further. The learned counsel also showed the CCTV footage recorded before this Court and also filed a copy of the photo of footage.

4. The learned counsel for the respondents/accused would contend that the allegation raised in the complaint is a false one and the accident register evidence the fact that the complainant was treated as an outpatient and she has not sustained any injury as claimed in the complaint. He would further contend that the police conducted a preliminary enquiry and reported that the petitioner has not been assaulted by the respondents. It is further



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contended that there is a dispute between the landlord and the tenant and a case is also pending. He further submitted that it is only a wordy quarrel and the allegations in the complaint are false and the trial Court rightly dismissed the complaint and there is no ground to interfere with the Order of the trial Court. Thus, he pleaded to dismiss the criminal revision.

5. I have considered the matter in the light of the submissions of the leaned counsel for the parties. I have perused the materials available on record carefully.

6. In the complaint before the trial Court, the petitioner averred that the complainant and the respondents are residing in the same building and the complainant is residing in the first floor and the respondents are residing in the ground floor. On 24.09.2019, at about 3 p.m., as the respondents poured pesticide powder in the entire building including the pathway, the petitioner's family suffered breathing problem. Hence, the petitioner opened



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all the windows and doors common to all of them. Due to this, the respondents entered into the petitioner's house and abused her in filthy language and the second respondent with an intention to kill the petitioner, assaulted her with a wooden stick and attempted to kill the petitioner.

7. I have perused the alleged treatment particulars filed by the petitioner, which reveals that she had appeared before the Doctor in Indira Gandhi Government Hospital, Puducherry on 24.09.2019 at about 3.30 p.m and she has complained pain over back and X-ray has been taken and found a soft tissue injury and she was treated as an out patient. Further, the CCTV footage records shown before this Court reveals that there is no record to show any assault made by the respondents upon the petitioner. Further, the preliminary report filed by the respondent police before the trial Court is perused, in which the police on preliminary enquiry found that the allegation of assault is false and no CCTV footage evidence is available to show that the respondents assaulted the petitioner. The CCTV footage



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shown before this Court also reveals only wordy quarrel between the petitioner and the respondents.

8. Admittedly, the petitioner and the respondents are residing in a rented house and the respondents are residing in the ground floor and the petitioner is residing in the first floor. Under these circumstances, a wordy quarrel has to be treated as a trivial one and no cognizable offence is made out for registering the First Information Report. Therefore, the trial Court accepted the preliminary report of the police and dismissed the complaint filed by the petitioner. Hence, I do not find any infirmity in the Order passed by the learned Magistrate and there is no merits in this Criminal Revision.

9. Accordingly, this Criminal Revision Case is dismissed.

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To

The Chief Judicial Magistrate,
Puducherry



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V.SIVAGNANAM, J.

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Order in

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