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Crl.R.C.No.1582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

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

Crl.R.C.No.1582 of 2023

N.Parasuraman

... Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai City.

2. The Inspector of Police,
B-2 Police Station,
Chennai - 600 102.

3. Hemanathan

4. Veeraragavan

5. Veeramani

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the orders dated 07.07.2023 passed in Crl.M.P.No.5138 of 2023 by the VII Metropolitan Magistrate at George Town, Chennai.

For Petitioner : Mr.P.Sonu

For Respondents : Mr.R.Vinothraja,
1 and 2 Government Advocate (Crl. side)



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ORDER

Challenging the orders dated 07.07.2023 passed in Crl.M.P.No.5138 of 2023 on the file of the VII Metropolitan Magistrate at George Town, Chennai, the present criminal revision is filed.

2. The revision petitioner/complainant filed a private complaint under Section 200 of Cr.P.C., before the learned VII Metropolitan Magistrate, George Town, Chennai, seeking direction to the Inspector of Police, B-2 Esplanade Police Station, Chennai to register an FIR on the complaint given by him on 15.08.2022 and investigate the case under Section 156 (3) Cr.P.C., The learned VII Metropolitan Magistrate, George Town, Chennai perused the entire complaint and after hearing the counsel for the complainant and the Assistant Public Prosecutor, dismissed the complaint under Section 203 Cr.P.C., Aggrieved over the same, the present revision is filed.

3. The complainant and the accused/respondents 3 to 5 are working in BSNL, Chennai. It is the case of the complainant that on the



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Independence Day in the year 2022, after hoisting the Flag, the 3rd respondent by name Hemanathan, at the instigation of the respondents 4 and 5 assaulted the complainant under the influence of alcohol and also threatened him with dire consequences. At the intervention of other employees of BSNL, the respondents 3 to 5 were prevented from assaulting the complainant further and the CCTV footage would prove the same. Thereafter, the complainant was taken to Rajiv Gandhi Government General hospital, Chennai for treatment wherein he was admitted as an inpatient for about a week. He therefore, lodged a complaint with the Inspector of Police, B2 Esplanade Police Station, Chennai for giving protection to him and his family members and the same was registered as C.S.R.No.450/2022, on 15.08.2022.

4. Thereafter, on 17.08.2022, when the complainant went to his office, the 3rd respondent abused him in filthy language and also threatened him with dire consequences of killing him. According to him, the 3rd respondent, was inebriated on that particular date. Since the Inspector of Police, B2 Esplande Police Station, did not take any action,



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the complainant filed another complaint before the Commissioner of Police, Chennai on 17.08.2022 which also went futile. Therefore, he filed a private complaint before the VII Metropolitan Magistrate, George Town, Chennai under Section 200 Cr.P.C., seeking direction to the 2nd respondent Police to register FIR and investigate the case under Section 156 (3) Cr.P.C., The learned Metropolitan Magistrate dismissed the said complaint under Section 203 Cr.P.C., on the following grounds:

- i. Discharge summary issued by the Rajiv Gandhi Government General Hospital shows that there was no external injury on the body of the complainant;
- ii. A perusal of the Case Diary (CD file) shows that the 2nd respondent had actually enquired the witnesses at the place of occurrence;
- iii. It was also found by the Police that the complainant has the habit of abusing his higher officials in filthy language and he has stolen Government records which got recorded in the CCTV, on account of which, the complainant was suspended from his service. This has not been mentioned in his complaint;



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iv. The complainant had not approached the Court with clean hands;

5. Mr.P.Sonu, learned counsel for the revision petitioner contended that though the 3rd respondent at the instigation of the respondents 4 and 5, abused the complainant in filthy language by mentioning his caste name and also threatened him with dire consequence, the Police did not take any action against them. It is also his contention that the respondents 3 to 5 are in the habit of harassing the present petitioner/complainant, since he is a Dalit.

6. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. side) contended that during the course of investigation, the 2nd respondent Police found that no such incident took place as alleged by the complainant and hence, the Police closed the complaint in C.S.R.No.450/2022 on 03.02.2023.



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7. In the private complaint, the complainant had nowhere mentioned that the third respondent abused him in filthy language mentioning his caste name. The Police in fact had gone over to the place of occurrence, examined the witnesses and this is clearly mentioned by the learned Magistrate in his orders dated 07.07.2023. In fact the Magistrate had perused the CD File and verified the statement of the witnesses recorded by the Police on 15.08.2022. It is also seen from the records that the complainant was suspended from service for the reason that he had abused his higher officials in filthy language and also stolen some of the Government records from the office. Therefore, the trial Court had rightly observed that the complainant had not approached the Court with clean hands. All the observations made by the learned trial Court Judge are perfectly in order and I do not see any reason to interfere with the same. Accordingly, the Criminal Revision is dismissed.

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Index: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

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