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Crl.R.C.No.1773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1773 of 2023

D.Varathan

... Petitioner

Vs.

The Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai.

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of Cr.P.C, prayed to call for the records in Cr.M.P.No.4282/2023 dated 12.06.2023, on the file of the Judicial Magistrate No.I, Tiruvannamalai and set aside the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Tiruvannamalai in Cr.M.P.No.4282 of 2023 dated 12.06.2023.



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2. The petitioner lodged a complaint to the respondent on 24.05.2023. In the complaint, he made specific averments against certain persons. The complaint is that on 24.05.2023 at about 6.30 a.m. when the petitioner along with his wife and daughter-in-law were sitting in the rice mill, one Gopalsamy, Bharath, Kuppusamy and Mani trespassed into the rice mill, threatened and abused them with filthy language. Mani abused his daughter-in-law and forcibly taken away the hand bag of his wife and daughter-in-law. Further, others abused them and left the place. Earlier, the petitioner had filed a Civil Suit in O.S.No.117 of 2008 and the learned District Munsif, Tiruvannamalai rendered a judgment in favour of the petitioner on 30.11.2022. The counter petitioners without approaching the Civil Court and taking law in their hands, threatened, abused the petitioner and restraining the petitioner from carrying on his business. Since the respondent police not taken any action, the petitioner preferred a petition under Section 154(3) Cr.P.C. to the Superintendent of Police on 26.05.2023.



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Thereafter too, no action has been taken. Hence, he filed a petition before the learned Judicial Magistrate No.I, Tiruvannamalai under Section 156(3) Cr.P.C. in Crl.M.P.No.4282 of 2023. The learned Judicial Magistrate, Tiruvannamalai, by an order dated 12.06.2023, dismissed the petition, against which, the present revision.

3. The contention of the petitioner is that though *prima facie* case has been made out against named persons in the complaint, neither the respondent police nor the Court below had taken any action. Hence, having no other alternative, petitioner has filed the above revision. He further submits that the reason given by the Court below that there is no physical injury to any one in the occurrence, is not proper.

4. Considering the submissions of the petitioner and on perusal of the complaint as well as the lower Court impugned order, it is seen that earlier there was a civil suit filed by the petitioner against 14 persons. Now



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the civil suit is in petitioner's favour. A threat has been made by the named accused persons but not followed with any action. The trial Court considering this had rightly dismissed the petition. If the petitioner is aggrieved, he can very well file an appropriate petition before the Civil Court seeking police protection as well as for further action. If the same is not appreciated thereafter he can approach this Court. In any event, the petitioner has got right of filing a private complaint to address his grievance.

With the above observations, this Criminal Revision Case is disposed of.

20.10.2023

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order
rsi



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- To
- 1.The Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai.
 - 2.The Judicial Magistrate No.I,
Tiruvannamalai.
 - 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR,J.

rsi

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