



Crl.R.C.(MD).No.79 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.79 of 2023

Sathiyaraj

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
Thirukattupalli,
Thanjavur District.

... 1st Respondent/Complainant

2.Alinaal Rani
3.Julias
4.Anbarasan
5.Beniyal
6.Naveen
7.Martin
8.Robinson
9.Prem Kumar
10.Arulmary

... Respondents/Accused

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records of pertaining to the order passed by the learned Judicial Magistrate, Thanjavur, in CrI.M.P.No.4537 of 2022 vide order dated 15.11.2022 and set aside the same as illegal and further direct the 1st respondent to register an FIR as against the 2nd to 10th respondents.



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For Petitioner : Mr.R.L.Dilipan Pandian

For Respondents : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)

ORDER

This criminal revision case has been preferred to set aside order passed by the learned Judicial Magistrate, Thanjavur, in Crl.M.P.No.4537 of 2022 vide order dated 15.11.2022 and further seeking direction to the 1st respondent to register an FIR as against the 2nd to 10th respondents.

2.The petitioner has filed a petition before the trial Court under Section 156(3) Cr.P.C. seeking direction to register a case against the respondents 2 to 10. But the same was dismissed by the trial Court. Against which, this petition has been filed.

3.The learned Government Advocate (Crl. Side) has verified the status of the complaint that was given by the petitioner before the respondent police. He has produced the enquiry file. The above said complaint was enquired in C.S.R.No.475 of 2022. During the course of enquiry, both the parties appeared and gave statement that the counter parties are agreed to pay the cost of damage to the revision petitioner. So on



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the basis of the above said settlement between the parties, the enquiry was closed on 13.10.2022. Only after the above said closure, it appears that the present petition has been filed by the revision petitioner before the trial Court.

4. With regard to the statement that was given by the revision petitioner he was called by the trial Court. He was also present before the Court in person and stated that even though he signed in the above said settlement, he was asked to make a statement with regard to the happenings on that date. But, with regard to the payment of money, there is no indication in the above said statement. The counter party also appeared and given statement that this petitioner undertook to vacate the premises on or before 05.01.2023 and undertook to carry out the repair works in the shelf, which was alleged to have been damaged. It appears that a suit is also pending between the parties over the above said issue. In view of the same, I find no merit in this revision. This revision case deserves to be dismissed. Accordingly, **dismissed.**

03.03.2023

Index : Yes / No
Internet : Yes / No
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To

WEB COPY

- 1.The Judicial Magistrate, Thanjavur
- 2.The Inspector of Police,
Thirukattupalli,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAAN,J.

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