



Crl.R.C.(MD) No.422 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.422 of 2023

Alagulakshmi

... Petitioner/Petitioner/
Complainant

Vs.

1.The State represented by its
The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi.

...1st Respondent/2nd Respondent/
Complainant

2.Alagarsamy

...2nd Respondent/1st Respondent/
Accused

Prayer : This Criminal Revision has been filed under Section 397 of Criminal Procedure Code, to call for the records relating to the order dated 21.07.2022 in Crl.M.P.No.5803 of 2021 on the file of the learned Judicial Magistrate No.II, Tuticorin and set aside the same.



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For Petitioner : Mr.VR.Shanmuganathan,
For R1 : Mr.R.Sivakumar,
Government Advocate (Crl. Side)
For R2 : Mr.R.Bala Krishnan

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 5803 of 2021, dated 21.07.2022, dismissing the protest petition in connection with Crime No.82 of 2018 on the file of the first respondent police.

2. It is seen from the records that the petitioner has earlier challenged the order, dismissing the petition filed under Section 156(3) Cr.P.C. before this Court in Crl.R.C.(MD)No.330 of 2017 and the learned Judge of this Court has allowed the petition on 19.01.2018 by setting aside the order of dismissal passed in Crl.M.P.No.8133 of 2016 on 02.01.2017 by the learned Judicial Magistrate No.II, Thoothukudi and further directed the learned Judicial Magistrate to forward the complaint to the concerned police for registration and investigation and to get a



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report in respect of the offence of forgery and falsification of the death certificate / revenue records. In pursuance of the directions issued, FIR came to be registered in Crime No.82 of 2018 on 20.04.2018 for the offences under Sections 195, 420, 468 and 471 IPC. The first respondent police, after completing the investigation, has laid the negative report and the petitioner, on receipt of the RCS notice, has filed a protest petition in Crl.M.P.No.5803 of 2021 and the learned Magistrate, after conducting enquiry, has passed the impugned order, dismissing the protest petition and thereby, accepted the negative report filed by the first respondent.

3. The learned counsel appearing for the petitioner would submit that the learned Magistrate has observed that if the allegations in the complaint against the accused that the Village Administrative Officer (VAO) has not doing his duty properly or the accused has committed any offence, then the petitioner can very well approach the proper forum to avail her relief according to law and by the said observation, the learned Magistrate has categorically prevented the petitioner from even preferring any private complaint.



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4. The learned counsel appearing for the petitioner would further submit that it would be suffice, if the petitioner is given liberty to file a private complaint.

5. On perusing the entire order, it is clearly evident that the learned Magistrate has rejected the protest petition and thereby, accepted the negative report filed by the police.

6. In view of the above, this Criminal Revision Petition is dismissed. The petitioner is at liberty to file a private complaint under Section 200 Cr.P.C. before the jurisdictional Court, if so advised.

19.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
Crl.R.C.(MD)No.422 of 2023**

19.04.2023