



Crl.R.C.(MD) No.333 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.333 of 2023

K.Dhanasekaran

... Petitioner/Petitioner

Vs.

**1.The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.**

...Respondent/Respondent

2.Viniston Sudheer @ Sudheer

3.Rosy

**...Respondents/Proposed
Accused**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in CRMP.No.11366 of 2022 on the file of Judicial Magistrate Court No.IV, Thoothukudi dated 03.02.2023 and set aside the same.

For Petitioner : Mr.R.Jegadeeswaran,

**For R1 : Mr.R.Sivakumar,
Government Advocate (Crl. side)**



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ORDER

This Criminal Revision is directed against the order passed in CRMP.No. 11366 of 2022 dated 03.02.2023 on the file of the Judicial Magistrate No.IV, Thoothukudi, dismissing the petition filed under Section 156(3) Cr.P.C.

2. It is seen from the records that the petitioner has earlier filed a petition for seeking direction to register an FIR against the proposed accused, that the learned Magistrate has directed the respondent police to investigate into the matter and file a report or to register the FIR, if any cognizable offence is disclosed, that in pursuance of the said direction, the respondent police has filed the final report as 'Mistake of Fact' as already there was a civil suit pending between the parties, that subsequently, challenging the final report, the petitioner has filed a protest petition alleging that the respondent police has neither perused nor considered the complaint given by him and that the learned Magistrate, after taking note of the present complaint and the report submitted by the respondent police and by observing that it is purely a civil case and the civil suit is pending between the parties for the same cause of action, has dismissed the petition.



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3. On considering the materials available, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C. cannot be found fault with. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

4. In the result, this Criminal Revision Petition is dismissed. However, the petitioner is at liberty to file a private complaint, if so advised.

05.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To:-

- 1.The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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05.04.2023