



Crl.R.C.(MD)No.65 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.65 of 2019

David

... Petitioner

Vs.

1.Subaithan

2.Jegan

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Crl.M.P. No.5869 of 2017 on the file of the learned Principal District Munsif cum Judicial Magistrate, Eraniel and set aside the order passed in Crl.M.P.No. 5869 of 2017 dated 16.10.2018 and consequently to direct the learned Judge to restore the complaint given by the petitioner.

For Petitioner : Mrs.C.Arockia Selvi

ORDER



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This Criminal Revision Case has been filed to set aside the order in Crl.M.P.No.5869 of 2017 on the file of the learned Principal District Munsif cum Judicial Magistrate, Eraniel and set aside the order passed in Crl.M.P.No.5869 of 2017 dated 16.10.2018 and consequently to direct the learned Judge to restore the complaint given by the petitioner.

2.It is seen that the petitioner lodged a complaint alleged that on 13.03.2016, he was visited Church for prayer and at that time, the respondents herein with the help of JCB damaged the southern common wall of the petitioner's house and when the same was questioned by the petitioner's father, the respondents herein abused him in filthy language and also attacked him with hands and leg. Therefore, a complaint was lodged and the same was registered in Cr.No.102 of 2016 for the offence punishable under Sections 294(b), 323 IPC. However, the same was closed as mistake of fact o 30.03.2016.

3.After a period of 15 months, for the very same cause of action, private complaint has been lodged. That too, without filing any protest



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petition for closing of case as mistake of fact by the concerned police.

Therefore, the trial Court rightly dismissed the complaint and this Court finds no infirmity or illegality in the order passed by the Court below.

Accordingly, this criminal revision case is dismissed. However, the petitioner is at liberty to lodge fresh complaint on the fresh cause of action.

05.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

The Principal District Munsif cum Judicial Magistrate,
Eraniel.



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G.K.ILANTHIRAIYAN,J.

gns

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