



CrI.R.C(MD)No.367 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.367 of 2018

Pandiaraj

... Petitioner/Complainant

Vs.

- 1.Heela
- 2.Sukumari
- 3.Muthuraj
- 4.Thangasamy

5.Guruvuthai,
The Sub Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

6.Mariyagulori,
The Inspector of Police,
All Women Police Station,
Sivakasi, Virudhunagar District.

7.Velraj,
The Village Administrative Officer,
Nathampatti Village,
Srivilliputtur Taluk,
Virudhunagar District.

... Respondents/Accused

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining in Cr.M.P.No.1826 of 2019 dated 14.06.2018 on the file of learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District and set aside the order dated 14.06.2018.



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For Petitioner : M/s.C.Ezhilarasu
For R7 : Mr.M.S.Malaikani
For R2, R5 & R : No Appearance

ORDER

The Revision has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District, in Cr.M.P.No.1826 of 2019, dated 14.06.2018.

2.The case of the prosecution is that on 17.12.2015, the first respondent was proceeding to her college, the petitioner misbehaved with her. Thereafter, again on 10.02.2016, the petitioner threatened her with dire consequences. Further, on 03.03.2016, at about 8 hours, he sexually abused her and threatened with dire consequences. However, the prosecution failed to prove the case and as such, the petitioner was acquitted from all the charges. Therefore, the petitioner filed a private complaint against the respondents for the offences under Sections 217, 109, 120B, 166, 167, 177, 193, 195, 196, 197, 211, 220, 341, 342, 465, 500, 501 of IPC.

3.On perusal of records it reveals that the first respondent lodged a complaint against the petitioner on the file of the fifth



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respondent. In pursuant to the said complaint, a case has been registered in Crime No.2 of 2016. After completion of investigation, they filed a final report before the learned Sessions Judge, (Mahalir Neethimandram), Fast Track Mahila Court, Srivilliputtur, and the same has been taken cognizance in Spl.S.C.No.38 of 2016 for the offences under Sections 341, 506(i), 354(D) of IPC and Section 7 r/w 8, 11(iv) r/w 12 of POCSO Act. On the side of the prosecution, they had examined P.W.1 to P.W.12 and marked Exs.P.1 to P.7 and on the side of the accused, he had examined as D.W.1 and also examined D.W.2 and marked Exs.D.1 to D.6. On perusal of the oral and documentary evidence, the trial Court found the petitioner not guilty and acquitted him from all the charges. Thereafter, the petitioner filed a petition before the learned Judicial Magistrate No.II, Srivilliputtur, as against the respondents for giving false evidence and the case was taken on file in Cr.M.P.No.1826 of 2018. The learned Magistrate has dismissed the said petition on 14.06.2018. Hence, the present petition.

4.The sworn statement of the petitioner was recorded. On perusal of sworn statement and the documents, the learned Judicial Magistrate No.II, Srivilliputtur, found that no *prima facie* case was made



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out in order to attract any of the offence as alleged by the petitioner. That apart, the Trial Court has also stated that which the Court has already conducted the case, that Court only has to proceed the case under Section 340 of Cr.P.C and the petition filed by the petitioner was not sustainable under Section 195 of Cr.P.C. It is also seen that the Trial Court acquitted the petitioner only on the ground that the prosecution failed to prove the case beyond any doubt. Hence, the Trial Court dismissed the complaint lodged by the petitioner. This Court also finds no infirmity or illegality in the order passed by the Trial Court.

5. Accordingly, this Criminal Revision Case is dismissed.

06.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
dss



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To

The learned Judicial Magistrate No.II,
Srivilliputtur, Virudhunagar District.



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G.K.ILANTHIRAIYAN, J.

dss

Order made in
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