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CrI.R.C.No.120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.120 of 2024

Selvam @ Selvanathan

... Petitioner

Vs.

1.The Sub-Divisional Magistrate (North),
Puducherry.

2.The Superintendent of Police (South),
Puducherry.

3.The State,
Rep. by Station House Officer,
Ariyankuppam Police Station,
Puducherry.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 7.12.2023 in M.C.No.173 of 2023 of I.R.No.67 of 2023 on the file of Sub Divisional Magistrate (North), Puducherry.

For Petitioner : Mr.P.Pandiyaraj
For Respondent : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor (Puducherry)

ORDER

Challenging the impugned order, dated 07.12.2023 in M.C.No.173 of 2023 of I.R.No.67 of 2023 under Section 144 Cr.P.C., passed by the 1st respondent, this Criminal Revision Case has been filed by the petitioner.



2.The gist of the case is that the 3rd respondent submitted a report, dated 24.07.2023 in I.R.No.67 of 2023 under Section 144 of Cr.P.C., stating that the petitioner herein has formed a rowdy group, indulged in criminal activities of murder by using deadly weapons and created panic in the minds of the local inhabitants. The people of the locality are now afraid of the petitioner even to whisper his name. Due to which, nobody came forward to lodge any complaint fearing for life. A case against the petitioner in Crime No.44 of 2023 for offence under Sections 302, 201 r/w 34 of IPC registered by the 3rd respondent and the investigation is in progress. The petitioner has no job and no proper work, but leading a lavish life using his notoriety and gang of rowdies and creating terror and thereby, collecting money from the business man and affluent people. If the petitioner is allowed to reside in Ariyankuppam village, he would continue to indulge in serious offence like murder and he would become perennial source of threat to the community and disturb public peace and order. Hence, the 3rd respondent prayed to invoke the provision under Section 144 Cr.P.C., against the petitioner for a period of two months. A notice, dated 16.11.2023 was served on the petitioner to appear before the 1st respondent on 30.11.2023 and subsequently for a hearing on 07.12.2023. On 07.12.2023, the petitioner through his Advocate and 3rd respondent present. Thereafter, the impugned order has been passed by the 1st respondent which is



under challenge.

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3.The learned counsel for the petitioner submitted that the petitioner was granted bail by the learned II Additional Sessions Judge, Puducherry in Crime No.44 of 2023 and thereafter, he is complying with the order of the Court without any deviation in accordance with law. The petitioner is employed as Driver living in his native with his wife and two female children with reputation. The 3rd respondent Police without following the procedure of law initiated a case against the petitioner on source information, is false. The 1st respondent without any material had recorded as though the petitioner is the reason for public interest and apprehension of danger for public peace and indulging in illegal activities. Apart from the above case, the petitioner has got no other case against him. The 1st respondent could not cite single incident to decide the petitioner being a potential danger to the human life or public tranquility. He further submitted that the 1st respondent without applying its mind and without any material had passed the impugned order. The allegation narrated against the petitioner in the impugned order is baseless. He further submitted that as per Article 19 of the Constitution of India, the petitioner has got right to move throughout India which cannot be restricted by the 1st respondent without any reasonable cause. Hence, prays for setting aside the



impugned order.

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4.The learned Additional Public Prosecutor, Puducherry filed counter affidavit of the 3rd respondent stating that the petitioner is indulged in a murder case in Crime No.44 of 2023. He murdered one Gnanasekaran since he was obstacle to his illicit relationship with Lourdummy, the wife of Gnanasekaran. The said Gnanasekaran coming to know about the illicit relationship between the petitioner and Lourdummy, threatened and beaten her and thereafter, Gnanasekaran was done to death. This has been committed with a help of close relative of the petitioner viz., Balaji @ Iyyappan who brought Gnanasekaran to Thavalakuppam where he was murdered on 29.03.2023 and later they buried the body in a pit and informed Lourdummy about the murder. Thereafter, Lourdummy lodged a complaint for missing of her husband, during investigation, the entire facts unearthed. The murder of Gnanasekaran could be proved after getting skull superimposed and collection of DNA samples. It is a well-planned cold blooded murder. Now, the case in Crime No.44 of 2023 registered and Sections altered to 120(b), 364, 302 r/w 34 of IPC and Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, investigation completed and charge sheet filed.



5.He further submitted that Gnanasekaran, the father of Chandran sent a complaint to the District Collector which was forwarded to the 3rd respondent Police complaining that he has been constantly followed, threatened by the petitioner whenever he coming back from his work at night hours in his motor bike. Now, a case registered on the complaint of Chandran under Section 195(A) Cr.P.C. The said Chandran is an important witness. Further, there is a possibility of family members of Gnanasekaran committing retaliation attack on the petitioner. On collection of information and materials, it is seen that the petitioner indulged in disturbance of peace and also to the public tranquility. In view of the same, the 3rd respondent Police approached the 1st respondent and filed a report. The 1st respondent after enquiry passed the impugned order, hence, prays for dismissal of the criminal revision case.

6.Considering the submissions and on perusal of the materials, it is seen that the impugned order passed on 07.12.2023 for a period of two months and it is only few days left for the period to get order. It is seen that after the impugned order restricting movement of the petitioner in entering the jurisdiction of the 1st respondent for a period of two months, there is no adverse incident and thereby, public peace and tranquility maintained.



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7. In view of the restriction, peace and harmony maintained. Hence, this Court is not inclined to interfere with the impugned order.

8. In the result, this Criminal Revision Case stands dismissed confirming the impugned order, dated 07.12.2023 in M.C.No.173 of 2023 of I.R.No.67 of 2023 passed by the 1st respondent.

02.02.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes/No

Neutral Citation: Yes/No

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To

1. The Sub-Divisional Magistrate (North),
Puducherry.
2. The Superintendent of Police (South),
Puducherry.
3. The Station House Officer,
Ariyankuppam Police Station,
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4. The Public Prosecutor,
Madras High Court.



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