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Crl.RC.No.583 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.583 of 2022

Senji Venkatesan @ M.Venkatesan

... Petitioner

-Vs-

Mr.S.Thirumal

Inspector of Police

Thirupattur Taluk Police Station

Thirupattur District.

... Respondent

Prayer: Criminal revision case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records in respect of the order passed by the learned Judicial Magistrate, Katpadi in Crl.M.P.No.923 of 2020 dated 23.03.2022 and set aside the same, direct the learned Judicial Magistrate, Katpadi to take the case on file.

For Petitioner : Mr.D.Ananth

for Mr.D.Rajagopal

For Respondent : Mr.M.R.Thangavel

ORDER

The Criminal Revision is filed to set aside the order made in Crl.M.P.No.923 of 2020 dated 23.03.2022, passed by the learned Judicial

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Magistrate, Katpadi.

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2. Learned counsel for the petitioner would submit the petitioner is a B.Com., D.Pharm graduate and he is doing agriculture in his village and he is a Social activist, doing social service and he used to raise questions against the persons who are supporting the antisocial elements. As a social activist, he used to give complaints, petitions to the higher officials. So the police personals developed grudge against the petitioner that he has to be implicated in a criminal case and hence, the respondent Police registered a case as against the petitioner in Crime No.13/2020, 14/2020 for the offences punishable under Section 294(b), 506(i) 394 IPC r/2 Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002 and 3 and 4 of Tamil Nadu Prohibition of charging exorbitant interest Act, on the basis of the complaint given by defacto complainants viz., Indrani and Jeevitha for demanding exorbitant interest and also threatening to murder them.

3. The respondent Police arrested the petitioner on 24.07.2020 and he was taken to Vellore North Police Station. Then, the respondent took signature and thumb impression of petitioner in blank papers and produced before the

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Judicial Magistrate and he was remanded to Judicial Custody on 25.07.2020.

Thereafter, the petitioner filed a bail application before the Judicial Magistrate, Katpadi and the defacto complainants were filed affidavit on 28.07.2020 stating that they have not lodged such a complaint as against the petitioner, the Police Officials themselves created a complaint and they were asked them to put thumb impression and signature. After perusing the said affidavits, the learned Judicial Magistrate was pleased to grant bail to the petitioner on 29.07.2020 stating that on the basis of the affidavit filed by defacto complainant, the petitioner is entitled for bail. Immediately, the petitioner relatives furnished securities and the bail intimation was also sent to the jail authorities. When the bail application was heard by the learned Judicial Magistrate, respondent physically present along with the respondent's superior officials in order to pressurize the learned Judicial Magistrate not to grant bail stating that they are going to invoke detention order. The respondent has filed objection through Public Prosecutor on 29.07.2020 and also informed the jail authorities to not to release the petitioner. So due to the ill advice of the respondent, petitioner was not able to come out on bail through bail order.



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4. The District Collector invoked the special enactment and detained petitioner under Act 14 of 1982 due to the ill advice of the respondent and branded him as a “Goonda”. So respondent have an criminal intention to see that the petitioner has to be detained as a “Goonda”.

5. Learned counsel for the petitioner further submit that the petitioner never indulged in any of the activities prejudicial to the maintenance of a public order. When he has not committed any violation of public order, he wantonly detained under special enactment act in order to defame petitioner. Then, respondent gave a newspaper statement that petitioner has detained under Act 14 of 1982 and branded as a “Goonda” and all the daily news papers published the said news. Thereby, the petitioner sustained mental agony. For the said act of the respondent, the petitioner was under judicial custody for a period of 45 days and his health condition was worsen and deteriorated. The advisory board perused the detention order and the representations given by the petitioner and passed an order by revoking the detention order by expressing unanimous opinion that there is no sufficient cause for the detention order of the petitioner.

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So the Government revokes the detention order. Thereafter, the petitioner had issued a legal notice to the respondent to pay a 1 Crore rupees as damages for detaining the petitioner in the prison for 45 days and for tarnishing his image in the public. After receipt of the legal notice, the respondent did not reply for the same. So the petitioner filed a private complaint under Section 200 of Cr.P.C for the offences under Section 499 and 500 of IPC.

6. After filing of the complaint, the learned Judicial Magistrate, Katpadi took the case on file and examined 5 witnesses on the side of the petitioner and marked 9 documents. After enquiry and examination of witnesses, the learned Judicial Magistrate without issuing process to the accused, straight away dismissed the complaint under Section 200 of Cr.P.C. by holding that the contents of the complaint not attracted the offence under Section 499 and 500 of I.P.C. Aggrieved by the said order, the present petition has been filed by the petitioner.

7. Learned counsel for the respondent would submit that the case was registered as against the petitioner based on the complaint given by the



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defacto complainants and conducted investigation. The respondent has done his duty as a Police Officer and there is no personal grudge against the petitioner. The Trial Court has also rightly rejected the private complaint filed by the petitioner for the offence punishable under Section 499 and 500 of IPC and therefore, there is no necessity to interfere with the well reasoned order.

8. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on behalf of either side and perused the materials available on record.

9. Admittedly, the respondent is a Inspector of Police and he registered a case against the petitioner in Crime No.13/2020, 14/2020 on the basis of the complaint given by the defacto complainants and it is the duty cast upon the respondent to register the said case. The District Magistrate invoked detention order as against the petitioner and he was confined in jail for a period of 45 days. Thereafter, the advisory board after perusal of the entire documents found that invoking detention order as against the petitioner is unwarranted and revoked the said detention order. The petitioner had filed a private complaint under Section 200 of Cr.P.C for tarnishing his image in public as against the respondent for the offence punishable under Section 499 and 500 of I.P.C, but



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the Trial Court dismissed the said complaint. The Learned Judicial Magistrate, Katpadi had rightly held that it is the duty cast upon the respondent Police to register the case as against the petitioner and there is no personal grudge against the petitioner. The learned Judge has also held that there is no evidence to prove that the respondent had given fake news to the newspaper agencies to defame the petitioner as “Goonda” and hence, dismissed the petition by holding that Section 499 of IPC would not attract in this Case. The order passed by the learned Judicial Magistrate, Katpadi in Crl.M.P.No.923 of 2020 dated 23.03.2022 is a well reasoned order and the same does not warrants interference by this Court.

10. Accordingly, this Criminal Revision Case is dismissed.

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

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To

1. The Inspector of Police
Thirupattur Taluk Police Station
Thirupattur District.

2. The Public Prosecutor,

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High Court, Madras.

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M.DHANDAPANI,J.

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