



WEB COPY



Crl.RC.No.968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

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

Crl.RC.No.968 of 2024

K.Suresh

...Petitioner

Vs.

1. Mohammed Farook

2. The Deputy Superintendent of Police,
Panruti Division and Taluk,
Cuddalore District.

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C to set aside the order in Crl.MP.No.418 of 2024 on the file of Special Court for SC and ST (POA) Act, Cuddalore District order dated 21.03.2024.

For Petitioner : Mr.S.L.Venkatesan

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side), for R2

ORDER

This Criminal Revision case has been filed seeking quashment of the order passed in Crl.MP.No.418 of 2024 dated 21.03.2024 on the file of the Special Court for SC and ST (POA) Act, Cuddalore District.

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2. The case of the petitioner is that, the 1st respondent, at the instigation of M/s.E.I.D.Parry Company filed a complaint against the petitioner solely on the ground that the petitioner belong to the depressed community. Aggrieved by the same, the petitioner made a complaint on 27.11.2023 to the Deputy Superintendent of Police, which evoked no response. Thereby, left with no other alternative, the petitioner filed a private complaint under Section 156(3) of Cr.P.C. before the trial court and the same was taken on file in Crl.MP.No.418 of 2024. However, the trial Court had mechanically dismissed the said complaint, vide impugned order dated 21.03.2024. Challenging the same, the petitioner has preferred the present revision.

3. Learned counsel for the petitioner submitted that, instead of issuing direction to the law enforcing agency to file a report, the trial court had straight away dismissed the complaint filed by the petitioner merely on the ground that, the investigation in respect of the criminal case registered against the petitioner is pending, which is wholly unsustainable, as the said complaint itself is a false one and the same has been filed against the



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petitioner only to harass him, as he belong to depressed class. Accordingly, he prayed for appropriate orders of this Court directing the trial court to receive the complaint filed by the petitioner and to file an FIR and to register a case as against the 1st respondent.

4. Learned Government Advocate (Crl. Side) appearing for the 2nd respondent submitted that, though the petitioner claim that the criminal case lodged against him is a false one, he has not taken any steps to challenge the said criminal case filed against him in the manner known law, instead he filed a private complaint before the trial court. The trial court after careful consideration of all the above said facts had rightly dismissed the complaint filed by the petitioner, vide impugned order and the same does not warrants any interference of this court. Accordingly, he prayed for dismissal of this revision.

5. Heard learned counsel on either side and perused the material documents placed on record.



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6. A perusal of the impugned order reveals that the court below has rightly appreciated the fact that investigation of the complaint against the petitioner is underway and, therefore, the complaint u/s 156 (3) Cr.P.C. was not entertained. Further, it is to be noted that the said complaint against the petitioner has not been put in issue by the petitioner before any judicial forum and such being the case, the order passed by the court below cannot be said to be erroneous. Therefore, no interference is warranted with the same.

7. Accordingly, for the reasons aforesaid, this criminal revision case is dismissed. However, subject to the outcome of the investigation, it is open to the petitioner to proceed against the respondents in the manner known to law, if so advised.

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NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

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M.DHANDAPANI, J.

skt

To

1. The Special Court for SC and ST (POA) Act,
Cuddalore District.
2. The Deputy Superintendent of Police,
Panruti Division and Taluk,
Cuddalore District.

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