



WEB COPY



Crl.R.C.No.1022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1022 of 2024

Gopal

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Ammamet Police Station,
Ammamet, Salem.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, praying to set aside the order passed in Crl.M.P.No.3469 of 2022 dated 13.06.2023 by the learned Judicial Magistrate No.V, Salem and direct the respondent to take immediate action and thereby register an FIR against Kalaivani.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed against the order passed in Crl.M.P.No.3469 of 2022 dated 13.06.2023 on the file of the learned Judicial Magistrate No.V, Salem.

2. The case of the petitioner is that, he made several complaints before the law enforcing agency as against the accused persons, however, the law enforcing agency has not taken any effective steps to register case. Therefore, he filed a petition u/s 156(3) of Cr.P.C. in Crl.M.P.No.3469 of 2022 before the Judicial Magistrate No.V, Salem and the said petition was dismissed by the trial court vide impugned order dated 13.06.2023. Aggrieved by the same, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that, initially, the petitioner has made complaint before the law enforcing agency, however, they have not taken any action against the accused persons, thereby, he has filed a petition u/s 156(3) of Cr.P.C. before the



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trial court, however, the trial court dismissed the same vide impugned order, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. On the above contentions, heard the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

5. Admittedly, the petitioner has filed several complaints before the law enforcing agency against the accused persons and since the same has not been considered, he has filed a petition u/s 156(3) of Cr.P.C. in Crl.M.P.No.3469 of 2022 before the trial court, which was dismissed vide impugned order. A perusal of the impugned order passed by the trial court reveals that, the trial court has given sufficient time to the petitioner to proceed with the case, however, inspite of due opportunities, the petitioner has not turned to appear before the trial and proceed with the case. Therefore, the petition filed by the petitioner was dismissed for default, which cannot be said to be perverse or illegal and the same not require any interference.



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M.DHANDAPANI, J.

sp

6. Accordingly, this Criminal Revision Case is dismissed.

19.06.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Judicial Magistrate No.V, Salem.

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