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Crl.R.C.No.1786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.1786 of 2024

K.Sekar

...

Petitioner

Vs.

The Inspector of Police,
Seashore Police Station,
Nagapattinam.
(Cr.No. of 2024).

...

Respondent

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS Act, 2023 to set aside the order dated 24.01.2024 passed in Crl.M.P.No.211 of 2024 on the file of the Judicial Magistrate Court No.1, Nagapattinam and allow the revision.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.V.J.Priyadarsana
Govt.Advocate (crl.side)

ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 156 (3) to register the complaint.



CrI.R.C.No.1786 of 2024

2. The sum and substance of the petitioner's complaint is that the sailor of a ship owned by P.P.N Power Plant had damaged his fishing net in the sea; that the damages caused to the fishing net of the petitioner is worth about Rs.1,00,000/- .

3. The learned Judicial Magistrate, found that no cognizable offence has been made out and therefore dismissed the above said petition.

3. On perusal of the impugned order and the complaint, this Court finds that the allegations do not constitute a cognizable offence and that even if the allegations are accepted to be true, the petitioner would be entitled to only claim damages for the loss incurred by him. In such circumstances, the impugned order does not suffer from any infirmity.

5. Accordingly, this Criminal Revision Petition is dismissed. However, liberty is granted to the petitioner to approach the appropriate forum seeking damages.

22.11.2024

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CrI.R.C.No.1786 of 2024

To

1.The Judicial Magistrate No.I,
Nagapattinam.

2.The Inspector of Police,
Seashore Police Station,
Nagapattinam.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.R.C.No.1786 of 2024

SUNDER MOHAN, J.

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Crl.R.C.No.1786 of 2024

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