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Crl.R.C.No.1345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1345 of 2024
and
Crl.M.P.Nos.11484 & 11485 of 2024

Albert Rajkumar

... Petitioner

Vs.

State rep by,
Inspector of Police,
K4 Anna Nagar Police Station,
Chennai.
(Crime No.374 of 2022)

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Code of Criminal Procedure, to call for the records and set aside the order of the learned Vth Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.41760 of 2023 in C.C.No.3464 of 2023 dated 14.06.2024 and direct the learned Magistrate to pass necessary orders on the said petition for discharge.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

WEB COPY This Criminal Revision Petition is filed to set aside the order passed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.41760 of 2023 in C.C.No.3464 of 2023 dated 14.06.2024 and direct the learned Magistrate to pass necessary orders on the said petition for discharge.

2.The petitioner/accused in C.C.No.3464 of 2023, who is facing trial for offence under Sections 294(b), 506(ii) of I.P.C. r/w Section 4 of Women Harassment Act, had filed a discharge petition in Crl.M.P.No.41760 of 2023. The trial Court by order dated 14.06.2024, dismissed the same, against which, the present revision is filed.

3.The contention of the learned counsel for petitioner is that a false complaint was lodged by the de-facto complainant/Kalaivani, who is residing in first floor. The petitioner is the owner of the property residing in the ground floor. Kalaivani used to create unnecessary trouble and pick up quarrel with the petitioner's family, which is being resisted. The said Kalaivani some how wanted to chase away the petitioner from the property hence, she was making false allegations and lodging a false complaint. On



each time, whenever she wanted to pick up quarrel or cause harassment by switching off the lift, water connection and electricity, she used to switch off the CCTV camera and committed said act. The petitioner also lodged a complaint, which was not entertained by the respondent police on the other hand, respondent police on the complaint of Kalavani came to the petitioner's house and demanded bribe amount otherwise to close the case. When the petitioner refused, a false case was foisted against him. Earlier the petitioner sent a compliant to the Commissioner of Police to take action against the respondent police for demanding bribe and to direct the Vigilance and Anti-corruption Department to take action against him. The petitioner has been falsely implicated in this case. The petitioner earlier filed a direction petition seeking for protection and also quash application but the same was not entertained. The petitioner had sent several representations, which were not considered by the respondent police and its superior officers. From the statement of witnesses and the material produced it is seen that except bald oral statement, there is no materials produced and no independent witnesses examined. Thus, taking the charge sheet as a whole no case is made out, which was failed to be considered by the trial Court.



4.The learned Additional Public Prosecutor on the other hand filed counter and submitted that the petitioner is the owner of ground floor property. Petitioner's sister was the owner of first floor property. The petitioner was eyeing the property and forcing his sister to sell the property on his terms. Against the petitioner's demand his sister sold the property to the de-facto complainant, which offended the petitioner and the petitioner somehow wanted to vacate and chase away the de-facto complainant and started giving trouble not only to the de-facto complainant, even to her minor daughters. Whenever they were sitting in the balcony, going to school and coming back from school, the petitioner causing harassment and threat. There are three other cases registered against the petitioner and charge sheet filed, which are pending trial in Crime Nos.478 of 2019 and 673 of 2019 and in yet another case investigation is pending in Crime No.19 of 2024. Apart from the above cases, the petitioner right from the year 2019 constantly harassing and threatening the de-facto complainant and her two daughters and other family members. The petitioner's contention are factual in nature, which has to be decided in trial and not in a discharge petition. Hence the trial Court rightly recorded the same and dismissed the petition.



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5.Considering the submissions made and on perusal of the material, it is not in dispute that the petitioner's contentions are factual in nature and there are three other cases pending against the petitioner for similar kind of offence. From the year 2019 to 2024 cases constantly registered against the petitioner. The petitioner's contention of false implication is his defence, factual in nature, necessarily to be decided only during trial not in a discharge petition. Hence, this Court finds no reason to interfere with the findings of the Lower Court.

6.Accordingly, the Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

04.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

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To

1. Inspector of Police,
K4 Anna Nagar Police Station,
Chennai.
2. The V Metropolitan Magistrate,
Egmore, Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1345 of 2024

and

Crl.M.P.Nos.11484 & 11485 of 2024

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