



WEB COPY



CrI.RC.No.1346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM:

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

CrI.RC.No.1346 of 2022

and

CrI.MP.No.14660 of 2022

1. Velmurugan
2. V.Gnanasekar
3. K.Amar @Amaran
4. K.Dhanasekar @ Sivalingam ...Petitioners

Vs.

1. State rep. by
The Inspector of Police,
Gingee Police Station,
Gingee, Gingee Taluk,
Villupuram District.
(Cr.No.2615 of 2020)
2. Arunkumar
(R2 *Suo motu* impleaded as per order dated 14.10.2022 made in
CrI.RC.No.1346 of 2022) ...Respondents

Criminal Revision filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 23.01.2021 passed in CMP.No.511 of 2021 in STC.No.156 of 2021 on the file of the Judicial Magistrate, Gingee, Villupuram District.



Crl.RC.No.1346 of 2022

WEB COPY For Petitioners : Mr.C.Prakasam

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side), for R1
: Mr.M.Gnanasekar, for R2

ORDER

This Criminal Revision Case has been filed seeking quashment of the order dated 23.01.2021 passed in CMP.No.511 of 2021 in STC.No.156 of 2021 on the file of the Judicial Magistrate, Gingee, Villupuram District.

2. The case of the petitioners is that, pursuant to the complaint given by the defacto complainant, the respondent police had registered a case in Cr.No.2615 of 2020 against seven accused persons including the petitioners for the alleged offence under Sections 294(b), 323 and 506(i) of IPC and after investigation, the respondent police had filed the final report against A1 to A3 and the matter was taken up on file by the trial court in STC.No.156 of 2021. Aggrieved by the same, the defacto



Crl.RC.No.1346 of 2022

WEB COPY

complainant filed a protest petition in Crl.MP.No.511 of 2021 (but in cause title of the said protest petition, the name of the Defacto complainant is not found) and the trial court, vide impugned order dated 23.01.2021 directed the respondent police to include the names of the petitioners vide the following order :-

“Prima facie case made over out against the accused A1 to A7. In result, the cognizable of the offence taken on file against the accused. A1, A3, A4, A7 u/s. 294(b), 323, 506(i), 147 IPC, A2 u/s. 506(i) IPC, 147 IPC, A5, A6 u/s. 147, 323, 506(i) IPC in STC.156/2021. Issue summon to A1 to A7 call on 25.03.2021”.

2.1 Aggrieved by the same, the petitioners filed direction petition before this Court under Section 482 of Cr.P.C. in Crl.OP.No.5587 of 2022 seeking direction to the respondent police to file appropriate application before the trial court with regard to the fact that the petitioners are not required in the above STC.No.156 of 2021 and the same was disposed of by the Court, vide order dated 11.03.2022 with a liberty to the petitioners to challenge the order passed by the trial court in Crl.MP.No.511 of 2021. In pursuance of the above said order of this court, the petitioners have



CrI.RC.No.1346 of 2022

come up with this petition.

WEB COPY

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

4. Though very many grounds have been raised by the petitioners against the order impugned, however, when this Court expressed its opinion that the proper course for the petitioners is only to file a discharge petition as this court cannot entertain the contentions in a case of revision, as under the revisional jurisdiction, the appreciation of evidence is very limited for this Court, the learned counsel for the petitioners restricted the prayer and sought liberty of this Court to file appropriate discharge petition before the Trial court. Learned counsel appearing for the respective respondents have no serious objection for the limited relief sought for by the petitioners.

5. In view of the above stand taken by the learned counsel for the petitioners and there being no objection by the respondents, this Court, without going into the merits of the case and without interfering with the



Crl.RC.No.1346 of 2022

WEB COPY

order impugned in this Criminal revision, grants liberty to the petitioners to file appropriate discharge petition before the trial court and on such discharge petition being filed, the same shall be considered by the court below in accordance with the provisions of the Code of Criminal Procedure.

6. For the reasons aforesaid, this Criminal Revision Case stands dismissed with the aforesaid liberty. Consequently, the connected miscellaneous petition is closed.

07.06.2024

skt

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

To

1. The Inspector of Police,
Gingee Police Station,
Gingee, Gingee Taluk,
Villupuram District.
2. The Judicial Magistrate,
Gingee, Villupuram District.



Crl.RC.No.1346 of 2022

3. The Public Prosecutor,
Madras High Court.

M.DHANDAPANI, J.

skt

Crl.RC.No.1346 of 2022
and
Crl.MP.No.14660 of 2022



WEB COPY



Crl.RC.No.1346 of 2022

07.06.2024