



Crl.R.C.No.1488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1488 of 2024

A.Ramesh

... Petitioner

Vs.

State represented by
Inspector of Police,
EN Saravanampatty Police Station,
Coimbatore District – 641 035.
Cr.No.634/2015.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, to set aside the impugned order dated 01.07.2024 passed by the Judicial Magistrate No.II, Coimbatore, in Crl.M.P.No.13262 of 2022 in RCS.No.19 of 2021.

For Petitioner : Mr.S.L.Sundarsanam

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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The petitioner/defacto complainant in Crime No.634 of 2015 filed protest petition in Crl.M.P.No.13262 of 2022 before the learned Judicial Magistrate No.II, Coimbatore against the closure of FIR in Crime No.634 of 2015 as “Mistake of Fact” and the same was dismissed *vide* order, dated 01.07.2024. Against which, the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that earlier, the petitioner filed a petition in Crl.O.P.No.10631 of 2021 before this Court seeking direction to the Police to reinvestigate the case in Crime No.634 of 2015 and this Court by order, dated 21.06.2021 directed the learned Judicial Magistrate No.II, Coimbatore to issue notice to the petitioner herein and dispose of the protest petition in accordance with law. But the said petition not properly considered. In the protest petition, the petitioner listed documents and witnesses on his side. Along with it, the petitioner produced the conversation recordings between the petitioner and one Satheesh Kumar who admitted the guilt. The Lower Court completely ignored the materials placed by the petitioner and dismissed the complaint. He further submitted



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the Lower Court passed the order erroneously which is against the principles of law. On reading of the complaint, it is clear that the accused persons in Crime No.634 of 2015 committed the offence under Sections 380 and 454 of IPC. The Lower Court failed to take into consideration the gravity of offence and overlooked the orders passed by this Court in Crl.O.P.No.19750 of 2015 and Crl.O.P.No.10631 of 2021. Hence, filed the present revision.

3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on the complaint of the petitioner, a case in Crime No.634 of 2015 registered on 08.12.2015 for offence under Section 380 IPC against one Satheesh Kumar, Durai and Mani (Veeramani) for theft of machineries in Surya Furniture Works to the value of Rs.5,68,000/-. The complaint was that the petitioner is a Proprietor of Surya Furniture Works running business at 164A Amman Nagar, Saravanampatty, Coimbatore from the year 2004. For the purpose of his business, the petitioner purchased some machineries. The said Satheesh Kumar came in business contact with the petitioner and they were having some business dealing. On 18.11.2014 at about 08.00 a.m, when the petitioner opened the business premises, he



saw the door lock broken and he placed new lock. On the same day, the petitioner lodged a complaint to the respondent Police and CSR.No.916 of 2014 assigned. This being so, on 19.11.2014, at about 10.00 a.m, when the petitioner went and visited the business premises, he found the new lock which was placed him again broken and theft committed on the machineries and timber. On enquiry, it came to know that Satheesh Kumar, Durai and Mani (Veeramani), Rajalingam committed the offence using TATA Ace Vehicle and removed the machineries and timber to the value of Rs.5,68,000/- and the petitioner was having some dispute with the said persons.

4.He further submitted that earlier, the petitioner filed Crl.O.P.No.19750 of 2015 seeking direction of this Court to register FIR based on the petitioner's complaint, dated 19.11.2014 and this Court by order, dated 03.11.2015 directed the respondent Police to conduct enquiry on the complaint given by the petitioner. Thereafter, the petitioner filed Crl.O.P.No.10631 of 2021 seeking reinvestigate the case in Crime No.634 of 2015 and not to accept the closure report wherein this Court by order, dated



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21.06.2021 directed the petitioner to pursue the protest petition already filed before the Lower Court and thereafter on considering the same appropriate orders to be passed. On considering the petitioner's protest petition, the Lower Court finding the petitioner's contention not sustainable, accepted the closure report and dismissed the petitioner's protest petition. If the petitioner is aggrieved, he can very well file a private complaint before the concerned Court. Hence prays for dismissal of the revision.

5.Considering the submissions and on perusal of the protest petition and impugned order, it is seen that the petitioner's objection and protest petitione considered and discussed in detail and thereafter only the impugned order passed on 01.07.2024. It is seen that the respondent Police examined nineteen witnesses and documents during investigation and the only closed the FIR as “Mistake of Fact”.

6.In view of the above, this Court finds no reason to interfere with the well reasoned order, dated 01.07.2024 passed by the learned Judicial Magistrate No.II, Coimbatore in Crl.M.P.No.13262 of 2022 and the same is



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hereby confirmed. Accordingly, this criminal revision case stands dismissed.

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7.It is not that the petitioner has without any remedy. The petitioner can file a private complaint before the concerned Court for his grievance if he so desires.

06.09.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate No.II,
Coimbatore.
- 2.The Inspector of Police,
EN Saravanampatty Police Station,
Coimbatore District – 641 035.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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