



Crl.R.C.No.1835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1835 of 2023

And

Crl.M.P.No.17335 of 2023

1.Padmanaban
2.Murugaperuman
3.Guruchithran

... Petitioners

Vs.

1.The State rep. by,
The Inspector of Police,
Neyveli Township Police Station,
Neyveli,
Cuddalore District.

2.Maheshwari

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, seeking to call for the records and set aside the order dated 15.05.2023 passed by the Hon'ble District Munsif – cum – Judicial Magistrate, Neyveli in suo moto Crl.M.P.No.1218 of 2023 in P.R.C.No.11 of 2023 on the file of the learned District Munsif – cum – Judicial Magistrate, Neyveli.

For Petitioners : Mr.P.Thinesh

For Respondents : Mr.A.Damodaran for R1

Additional Public Prosecutor

Mr.V.Vijay Shankar for R2



CrI.R.C.No.1835 of 2023

ORDER

WEB COPY

The criminal revision case has been filed seeking to set aside the order dated 15.05.2023 made in CrI.M.P.No.1218 of 2023 in P.R.C.No.11 of 2023 on the file of the learned District Munsif – cum – Judicial Magistrate, Neyveli.

2.The petitioners are A3, A4 and A5 in Cr.No.665 of 2022 on the file of the Neyveli Township Police Station. The allegation against the petitioners as per F.I.R. is that the first petitioner is employed as Police Constable and he is the pangali of A1 and brother of the deceased. There was property dispute between A1 and deceased who are own brothers in which the petitioners instigated A1 and A2 to commit murder of the deceased. After investigation, the names of the petitioners were deleted. Hence, the trial Court initiated suo motu CrI.M.P.No.1218 of 2023 and after considering the facts of the case and the statements of LW1 and LW5, arrayed the petitioners as A3 to A5 in the case. Aggrieved by the same, the petitioners have filed this revision.

3.The learned counsel for the petitioner submitted that the petitioners are the relatives of the deceased and A1. Except this,



CrI.R.C.No.1835 of 2023

there is no other material available for implicating them as accused in the case. The law enforcing agency conducted a detailed investigation and arrived at a conclusion that the petitioners have no role in the alleged offence and thereby the law enforcing agency deleted their names, however, the trial Court based on the statements of LW1 and LW5, arrayed the petitioners as A3 to A5 in the case, which is not sustainable one.

4.The learned Additional Public Prosecutor submitted that LW1 is the Wife of the deceased and LW5 is the Mother of the deceased as well as A1. Since LW1 and LW5 categorically deposed that there was land dispute between A1 and deceased and that the second petitioner is the brother – in – law of A1 and the first petitioner is the cousin brother of A1 and that the deceased and other persons are also relatives and close friends of A1 and that the petitioners instigated A1 to commit murder of the deceased inorder to dissolve the dispute between them. When such a categorical finding was recorded by the law enforcing agency from the Mother and Wife of the deceased, ignoring the same and filing the charge sheet by deleting the names of the petitioners is not sustainable one. The said facts were considered



CrI.R.C.No.1835 of 2023

by the trial Court and the petitioners were implicated as accused, which warrants no interference. The submissions made by the learned Additional Public Prosecutor was supported by the learned counsel for the second respondent.

5.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the second respondent as well as the learned Additional Public Prosecutor appearing for the second respondent.

6.Perusal of records disclose that LW1 is the Wife of the deceased and LW5 is the Mother of the deceased as well as A1. LW1 and LW5 have categorically deposed that there was land dispute between A1 and the deceased; the second petitioner is the brother – in – law of A1 and the first petitioner is the cousin brother of A1; the deceased and other persons are also relatives and close friends of A1; the petitioners instigated A1 and A2 to commit murder of the deceased. When such a categorical finding was recorded by the law enforcing agency from the Mother and Wife of the deceased, ignoring the same and filing the charge sheet by deleting the names of the



CrI.R.C.No.1835 of 2023

petitioners is not sustainable one. The said facts were considered by the trial Court and the petitioners were implicated as accused, which warrants no interference.

7.This revision is dismissed. Consequently, the connected miscellaneous petition is closed.

29.07.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Munsif – cum – Judicial Magistrate,
Neyveli.
- 2.The Inspector of Police,
Neyveli Township Police Station,
Neyveli,
Cuddalore District.



WEB COPY



Crl.R.C.No.1835 of 2023

M.DHANDAPANI,J.
pri

Crl.R.C.No.1835 of 2023
And
Crl.M.P.No.17335 of 2023

29.07.2024