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CrI.RC.No.1548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

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

CrI.RC.No.1548 of 2023

Jeeva

...Petitioner

Vs.

State by the Inspector of Police,
Barur Police Station,
Krishnagiri District.
(Crime No.176 of 2018)

...Respondent

Criminal Revision case filed under Section 397 and 401 of Cr.P.C. to call for the records pertaining to the impugned order in CrI.M.P.No.1119 of 2021 passed by the learned Judicial Magistrate, Pochampalli, Krishnagiri District dated 06.07.2023 and set aside the same and reject the final report filed by the respondent police in R.C.S.No.9 of 2019 and consequently, direct the respondent police to transfer the case in Crime No.176 of 2018 to some other investigating agency preferably CB-CID, Krishnagiri in order to investigate afresh and to file a final report within a stipulated time.

For Petitioner : Mr.R.Prabudoss

For Respondent : Mr.A.Gopinath,



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Government Advocate (Crl. Side)

ORDER

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This Criminal revision case has been filed seeking quashment of the order dated 06.07.2023 made in Crl.M.P.No.1119 of 2021 in R.C.S.No.9 of 2019 on the file of the Judicial Magistrate, Pochampalli, Krishnagiri District and to consequently direct the respondent police to transfer the case in Crime No.176 of 2018 to some other investigating agency, in order to investigate afresh and to file a final report.

2. The case of the petitioner is that, on 18.07.2018, one Ravichandran obtained the petitioner's signature in a blank sheet stating that, since the petitioner is not mentally fit to file a complaint due to the death of her husband, he will file a complaint. Thereafter, upon enquiry, the petitioner came to know that the said Ravichandran filed a complaint stating that, the petitioner through the village people came to know that her husband fell down into canal and died due to epilepsy and she has no doubt over the death of her husband and based on the said false complaint, the respondent police registered a case in Cr.No.176 of 2018 for the offence u/s 174 of Cr.P.C. and filed a final report referring the complaint as Mistake of fact.



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Thereby, the petitioner filed a protest petition before the learned Judicial Magistrate, Pochampalli, Krishnagiri District in Crl.MP.No.1119 of 2021 in R.C.S.No.9 of 2019 and sought for rejection of the final report filed by the respondent police. However, the same was dismissed, vide impugned order dated 06.07.2023. Challenging the same, the petitioner has filed this revision.

3. Learned counsel for the petitioner submitted that, immediately after knowing the fabricated complaint filed by the said Ravichandran, the petitioner approached the respondent police stating that it is not a mere death due to drowning and it is a murder and sought to alter the offence u/s 174 of Cr.P.C. to 302 of IPC, which evoked no response and subsequently, the respondent police filed the final report closing the case as Mistake of fact. Thereby, the petitioner filed a protest petition seeking to set aside the final report and to consequently transfer the case in Crime No.176 of 2018 to some other investigating agency preferably CB-CID, Krishnagiri in order to investigate afresh and to file a final report on the ground that, she has doubts on two persons namely one Ravichandran, who was the Panchayat



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president when the petitioner's deceased husband was working as a Panchayat Clerk, since the petitioner questioned the misappropriation committed by the said Ravichandran, he had some previous enmity over the petitioner's husband and another suspect namely Ranjith, since the petitioner's husband had illegal affair with one Lawanya, wife of the said Ranjith. However, the trial court, without considering any of the above said facts had dismissed the protest petition filed by the petitioner, vide impugned order dated 06.07.2023, which is not sustainable. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned Government Advocate (Crl. Side) appearing on behalf of the respondent police submitted that, though the petitioner made allegations against the said Ravichandran and Ranjith on the ground that, the mobile phone of the deceased was put up by one Rajkumar near the body of the petitioner's deceased husband when it was kept in Pochampalli Government Hospital as per the direction of the said Ranjith, however, mere handing over of the mobile phone of the deceased by the said Ranjith to the said Rajkumar cannot be a ground to hold that the said Ranjith had



murdered the petitioner's husband and no proof has been produced by the petitioner to show that the said Ravichandran had caused the death of the petitioner's husband. Further, it is not disputed that, the deceased already suffered from certain health ailments and the law enforcing agency, after consideration of all the above said facts arrived a conclusion that due to consumption of alcohol, the petitioner's husband suffered from epilepsy and he fell down from the top of the canal and succumbed to death and thereby filed a final report referring the complaint as Mistake of fact and the same does not warrants interference of this Court. Accordingly, he prayed for dismissal of this petition.

5. Heard learned counsel on either side and perused the material documents available on record.

6. A perusal of the final report reveals that on the date of occurrence, the petitioner's deceased husband namely Moorthi was consuming alcohol along with one Sathish on the top of the canal and when the said Sathish came back after purchasing some more alcohol, the said Moorthi was not



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found in the said place and thereafter, the body of the petitioner's husband was found in the canal, which was subsequently recovered by the law enforcing agency and thereafter a complaint was registered in Crime No.176 of 2018 for the offence u/s 174 of Cr.P.C and after conducting enquiry and after examining witnesses, the law enforcing agency filed a final report referring the complaint as Mistake of fact on the ground that, after consuming alcohol, the petitioner's husband suffered epilepsy and fell down in the canal and succumbed to death.

7. Though the petitioner claims that the said Ravichandran and the said Ranjith had previous enmity against the petitioner's deceased husband and the same would have resulted in murdering the petitioner's husband, however, in order to substantiate her claim, no documentary evidence has been produced by the petitioner either before the trial court or before this Court and as rightly pointed out by the learned Government Advocate (Crl. Side), mere handing over of the mobile phone of the deceased by the said Ranjith to the said Rajkumar will not constitute any offence against the said Ranjith. Hence, in the absence of any proof, the trial court had rightly



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dismissed the protest petition filed by the petitioner, after careful consideration of the oral and documentary evidences and this Court is not inclined to interfere with the same.

8. For the reasons aforesaid, this Criminal Revision case stands dismissed.

22.07.2024

skt

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

To

1. The Judicial Magistrate,
Pochampalli, Krishnagiri District
2. The Inspector of Police,
Barur Police Station,
Krishnagiri District
3. The Public Prosecutor,
High Court of Madras.

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M.DHANDAPANI, J.

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