



Crl.RC.No.360 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.360 of 2023

V.Vadhani

...Petitioner

Vs.

1. The Sub Inspector of Police,
Virudhampet Police Station,
Vellore.
2. The Inspector of Police,
Katpadi Police Station,
Vellore.
3. The Superintendent of Police,
Vellore.
4. Pugazh,
Inspector of Police,
Arani Police Station.

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order passed by the learned Judicial Magistrate No.III Vellore in Crl.M.P.No.5765/2022 dated 8.8.2022 and consequently direct the respondents 1 to 3 to register the case as against the fourth respondent.



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For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is filed to set aside the order passed by the learned Judicial Magistrate No.III Vellore in Crl.M.P.No.5765/2022 dated 08.08.2022 and consequently direct the respondents 1 to 3 to register the case as against the fourth respondent.

2. The case of the prosecution is that it was alleged that the petitioner's husband was threatend by the fourth respondent who is the Inspector of Police in Arani Police Station seeking a sum of Rs.5,00,000/- from him and further stated that the fourth respondent will register a false case against the petitioner's family. Subsequently, a case has been registered against the petitioner's husband and he was remanded to jail. Thereby the petitioner's husband was released from jail after a period of two months. Since the petitioner and her family members sustained mental agony, due to the said act of the fourth respondent against, the petitioner made a complaint dated 19.10.2020 before the Sub Inspector of Police, Vellore / first



respondent herein to take action against the fourth respondent, however, the same was not considered. Hence, the petitioner filed a complaint before the learned Judicial Magistrate No.III Vellore u/s.156(3) of Cr.P.C seeking register the case against the fourth respondent, however, the same was dismissed vide order dated 08.08.2022 on the ground that the copy of the complaint filed by the petitioner before the first respondent was not annexed along with the petition filed u/s.156(3) of Cr.P.C before the trial Court. Challenging the same the present revision has been filed.

3. The learned counsel for the petitioner submits that the petitioner and her family was threatened by the fourth respondent by demanding a sum of Rs.5,00,000/- from the petitioner's husband and with regard to the same, a false case has also been registered against the petitioner's husband and was also remanded to jail for a period of two months. Since no action has been taken on the complaint given by the petitioner before the police officials as against the fourth respondent, she filed a petition u/s.156(3) of Cr.P.C before the trial Court, however without considering the acts perpetrated by the fourth respondent as against the petitioner's family, the trial Court has



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dismissed the said petition which is wholly unsustainable. Hence, he prayed to allow this petition.

4. The learned Government Advocate appearing for the respondents submits that though it is alleged that a case has been registered against the fourth respondent with regard to the acts perpetrated by the fourth respondent, however, the said case was registered only by the Inspector of Police, District Crime Branch, Vellore in Crime Nos.13 and 14 of 2020 and not by the fourth respondent, which was properly considered by the trial Court and dismissed the petition filed u/s.156(3) of Cr.P.C. which is perfectly in order and the same cannot be interfered with. Accordingly, he prayed to dismiss the present revision.

5. It is the claim of the petitioner that though the petitioner made a complaint before the first respondent on 19.11.2020, however, the same was not considered, against which the petitioner filed a petition before the trial Court u/s.156(3) of Cr.P.C. to investigate the matter and to register a case against the fourth respondent which was dismissed on the ground that the



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petitioner has not annexed the copy of the complaint made before the first respondent along with the said petition, assailing which, the petitioner is in this revision. However, the learned Government Advocate appearing for the respondents contended that a cases in Crime Nos.13 and 14 of 2020 were registered by the Inspector of Police, District Crime Branch, Vellore against the petitioner husband and not by the fourth respondent, hence the statement of the petitioner that the fourth respondent threatened the petitioner's husband by demanding the aforesaid sum as bribe cannot be put against the fourth respondent.

6. On a perusal of the communication sent by the Additional Superintendent of Police dated 21.11.2020 reveals that the enquiry has been conducted based on the complaint dated 19.11.2020 made by the petitioner and the petitioner's husband was enquired by the fourth respondent at Town Hall, Vellore. Though the facts stand as such, the trial Court has dismissed the petition filed u/s.156(3) of Cr.P.C. for the simple reason that the petitioner has not annexed the complaint along with the petition which is *per se* unsustainable. In order to put a quietus to the *lis*, this Court considers it



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appropriate to set aside the impugned order passed by the trial Court dated 08.08.2022 and remit the matter to the trial Court for fresh adjudication. In the mean time the petitioner is directed to annex all the requisite documents with regard to the said case before the trial Court within a period of two (2) weeks from the date of receipt of a copy of this order and upon receipt of the same, the trial Court shall decide the matter afresh after affording an opportunity of personal hearing to the petitioner as well as aggrieved persons if any within a period of sixteen (16) weeks thereafter.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 08.08.2022 passed by the learned Judicial Magistrate No.III, Vellore is set aside.

10.07.2024

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

To
1. The Sub Inspector of Police,
Virudhampet Police Station,

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M.DHANDAPANI, J.



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