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Crl.R.C.No.2182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2182 of 2023

Thangamani

... Petitioner

Vs.

Karunakaran
Retd. Inspector of Police,
Land Grabbing Prohibition Wing,
Special Police, Ram Nagar,
Coimbatore.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records and to set aside the order passed in C.M.P.No.3491 of 2016 dated 24.09.2016 on the file of the Judicial Magistrate No.III, Coimbatore.

For Petitioner : Ms.R.Pushpalatha
for Mr.C.Deivasigamani

For Respondent : No appearance

ORDER

This petition has been filed seeking to set aside the order passed in C.M.P.No.3491 of 2016 dated 24.09.2016 on the file of Judicial Magistrate Court No.III, Coimbatore.



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2.The petitioner lodged a private complaint against the respondent/Karunakaran, Inspector of Police, Anti Land Grabbing Cell, Ram Nagar, Coimbatore. The case projected against the respondent is that the petitioner lodged a complaint against one Pongalur Palanisamy, Arjunan, Painthamizh, Indhumathi Vidya, Nagaraj, Sakthivel, Ponnusamy, Gopal and Nachimuthu. The complaint was handed over to the Superintendent of Police, Coimbatore. Since, there was no action, he filed a petition before this Court in Crl.O.P.No.7412 of 2013 seeking a direction to register an F.I.R. against the accused persons. This Court, by order dated 05.08.2013, directed the respondent therein to register the case. Thereafter, no case registered by the respondent police. Hence, he sought information under Right to Information Act (hereinafter 'RTI Act'). The respondent furnished information on 22.09.2014 with malafide intention that question Nos.11 to 19 are in the nature of obstructing the work of the respondent and further in Question No.28, already the information provided, despite the same, the petitioner had been making queries under RTI often.



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3.Further the respondent gave information that the petitioner sold his property during August, 2007 for a sum of Rs.1,90,000/- to one Arumugam Chettiyar. During October, 2007, Power of Attorney was granted to one Ponnusamy. The said Ponnusamy using the Power of Attorney during February, 2008 sold the property for a sum of Rs.23,25,000/- to one Sivakumar of M/s.Rathnavel Holdings Private Limited. In fact, the person, who is aggrieved due to the above transaction is one Arumugam Chettiyar and the petitioner has no grievance to lodge a complaint. Finding that the petitioner unnecessarily making queries under RTI, the respondent informed that in future, if the same is followed, legal action would be taken. This answer seems to have offended the petitioner, hence, he filed a private complaint for offence under Sections 503 and 506 of I.P.C. The trial Court took the complaint on file and assigned C.M.P.No.3491 of 2016. The trial Court, by order dated 24.09.2016, found that no case made out by the petitioner and dismissed the petition, against which, the present revision has been filed.

4.Considering the submission made by the learned counsel for petitioner and on perusal of the petitioner's complaint, it is seen that the primary ground on which the complaint was lodged is that the respondent



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informed that in future, if the petitioner continues to file RTI petitions without any reason, legal action would follow. Further from the order passed in Crl.O.P.No.7412 of 2013 dated 05.08.2013, it is seen that it is a common order, wherein more than 100 petitions were listed and a general instruction was given and nothing more. On perusal of the reply given by the respondent, it is stated that in future if such enquiries made without valid reason, legal action would follow. From the complaint and materials produced, this Court finds that there is no case made out under Sections 503 and 506 of I.P.C. The trial Court rightly dismissed the petition by a well reasoned order, which needs no interference.

5.Accordingly, this Criminal Revision Case is dismissed.

05.08.2024

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

To



CrI.R.C.No.2182 of 2023

1.The Judicial Magistrate No.III,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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