



Crl.R.C.(MD).No.666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.07.2024

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).No.666 of 2024

D.Robinson

.. Petitioner

Vs.

1. Inspector of Police,
Thattarmadam Police Station,
Thotthukudi District.
- 2.Thirukalyani
- 3.Chithirai

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for records relating to the order passed by the learned Judicial Magistrate, Sathankulam in Crl.M.P.No.1528 of 2024, dated 02.04.2024 and set aside the same.

For Petitioners : Mr.T.A.Ebenezer
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for records relating to the order passed by the learned Judicial Magistrate, Sathankulam in Crl.M.P.No. 1528 of 2024, dated 02.04.2024 and set aside the same.



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2. On 05.11.2023, at about 04.00 p.m, the respondents 2 and 3 abused the petitioner in filthy language and also threatened him, for which, the petitioner preferred a criminal compliant before the concerned jurisdiction police station and C.S.R.No.560 of 2023 was issued and thereafter, no action was taken. Hence, the petitioner approached the Superintendent of Police, Thoothukudi. The Superintendent of Police also has not taken any effective steps. Thereafter, the petitioner filed a petition under Section 156(3) of Cr.P.C in Crl.M.P.No.1528 of 2024 before the learned Judicial Magistrate, Sathankulam. The learned Judicial Magistrate directed the respondent police to conduct the investigation and to file a report on or before 26.03.2024. The respondent police conducted the investigation and closed the same as mistake of fact and the same was filed before the concerned Court. Based on the report, the learned Judicial Magistrate, closed the complaint on 02.04.2024 with liberty to file a private compliant.

3. The learned counsel for the petitioner submitted that the learned Judicial Magistrate, Sathankulam, issued a direction to the respondent police to conduct the investigation and to file a report. So the duty of the Officer is to conduct the investigation and register the case against the



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accused persons. But the respondent police without conducting the investigation, filed a report as mistake of fact. Therefore, he prays to set aside the order.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that as per the direction of the learned Judicial Magistrate, Sathankulam, the respondent police conducted the investigation and filed a report as mistake of fact. Based on the report and also considering the facts of the case, the learned Judicial Magistrate correctly closed the above petition. Hence, he prays for dismissal of this petition.

5. This Court perused the report filed by the respondent police and also the impuned order passed by the learned Judicial Magistrate, Sathankulam.

6. The petitioner is the vice president of the Sasthavinallur Village Panchayat. The Village Panchayat meeting was held on 01.11.2023. He placed his agenda in the said meeting and hence, there was some dispute. Therefore, the village president and her husband lodged a complaint



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against him and also the husband of the village president uploaded the said complaint in the social media and the same was questioned by the petitioner on 05.11.2023. At the time, the second and third respondents scolded and abused her. The petitioner preferred a complaint under Section 156(3) Cr.P.C., and the learned trial Judge issued a direction to enquire and submit a report. The jurisdictional police made enquiry and closed the complaint as mistake of fact. The said report has been accepted by the learned Judicial Magistrate giving liberty to the petitioner to file private complaint. This Court perused the report and the order of the learned Judicial Magistrate and finds no merit in the contention of the learned counsel for the petitioner that the learned Judicial Magistrate has committed error in dismissing the petition. Accordingly, this case stands dismissed with liberty to file private complaint as observed by the learned Judicial Magistrate.

7. This Court finds no merits in the contention of the learned counsel for the petitioner and the learned Judicial Magistrate, Sathankulam, has correctly dismissed the petition giving liberty to the petitioner to file a private complaint.



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8. Accordingly, this Criminal Revision Case is dismissed with liberty to the petitioner to file a private complaint before the concerned Judicial Magistrate and the concerned Judicial Magistrate shall consider the same without being influenced by the observations made in the closure report as well as the impugned order.

09.07.2024

Index : Yes / No
Internet : Yes / No
tta/sbn

To,

- 1.The learned Judicial Magistrate,
Sathankulam.
- 2.Inspector of Police,
Thattarmadam Police Station,
Thotthukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J

tta/sbn

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