



Crl.R.C.(MD).No.868 of 2024

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 11.09.2024

PRONOUNCED ON :27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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Velraj

... Revision Petitioner / Petitioner

Vs.

- 1.Suresh,
Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 2.Gaja Mugaitheen,
Sub-Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 3.Sorimuthu,
Special Branch,
Uthumalai Police Station,
Tenkasi District.
- 4.Maideen Arabi,
Police Constable,
Uthumalai Police Station,
Tenkasi District.



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5. Ayyanar

6. Kannaiya

7. Manoharan

... Respondents/Accused

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 BNSS, to call for the records relating to the order dated 26.07.2024, in Crl.M.P.No.2044 of 2023, on the file of the Judicial Magistrate, Alangulam and set aside the same and to register the case against the respondents.

For Petitioner : Mr.C.Illankaleeshwaran

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No. 2044 of 2023, dated 26.07.2024, on the file of the Court of the Judicial Magistrate, Alangulam, dismissing the petition filed under Section 156(3) Cr.P.C.

2. The case of the petitioner is that the revision petitioner and his friends forwarded a complaint against the fifth respondent, who was working as a Secretary in Agricultural Cooperative Credit Union, Uthumalai, alleging the



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fraud and misrepresentation of several Crores of money in the agricultural and gold loan given by the Government to the farmers and the fifth respondent has purchased immovable and movable properties in the name of his wife by utilising the said money, that the fifth respondent has threatened the petitioner and his friends to withdraw the complaint and since they were not willing, the fifth respondent has given money to the respondents 1 to 3 to harass the revision petitioner by asking him to appear before the Police Station for investigation without any complaint, that the petitioner after coming to know about the case registered against him by Uthumalai Police Station, he filed an application seeking anticipatory bail and got anticipatory bail before the Madurai Bench of Madras High Court and produced the sureties before the Court of Judicial Magistrate, Alangulam, that the High Court has directed the petitioner to sign before the Uthumalai Police Station every day from 25.11.2021 and in pursuance of the said direction, he went to the Police Station on 29.11.2021 and at that time, the respondents, 1, 3 and other police officers made life threatening to the petitioner, that on 30.11.2021, the respondent police officers have delayed the revision petitioner from signing, that on 01.12.2021, the respondents 1 to 4 at the instigation of the fifth respondent, have abused in filthy language and made life threatening and hence, the petitioner was forced to consume poison at 11.00a.m.,



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on 01.12.2021 and immediately was taken to Uthumalai Primary Health Centre by his brother and was hospitalized, that the petitioner was discharged from the hospital on 06.12.2021 after treatment, that the petitioner has preferred a complaint before the Superintendent of Police, Tenkasi, the Deputy Superintendent of Police, Alangulam and also to the Inspector of Police, Uthumalai Police Station through post and even after receiving the same, they have not taken any action and that therefore, the petitioner was constrained to file the present petition under Section 156(3) Cr.P.C., before the Judicial Magistrate.

3. The learned Judicial Magistrate, considering the allegations levelled in the petition, directed the Superintendent of Police to conduct an enquiry and to file a report. In pursuance of the said direction, the Superintendent of Police, after conducting the enquiry, has filed a report. The Magistrate, upon considering the petition and the affidavit filed by the petitioner and the documents filed along with the petition and also taking note of the report submitted by the Superintendent of Police, by holding that the materials available does not disclose any cognizable offence, dismissed the petition.



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Aggrieved by the order of the dismissal, the present Criminal Revision Case came to be filed.

4. It is not in dispute that since a case came to be registered in Cr.No.340 of 2021, the petitioner has obtained anticipatory bail before this Court in Crl.O.P. (MD)No.17419 of 2021, vide order dated 11.11.2021 and in pursuance of the directions of this Court, he had appeared before the respondent police and signed. The main complaint of the petitioner is that when the petitioner was appearing before the respondent police to put his signatures in pursuance of the directions of this Court, he was threatened at the instigation of the fifth respondent again and again and lastly on 01.12.2021, they had abused him in filthy language and threatened him in such a way to commit suicide and that therefore, he had consumed poison and attempted to commit suicide. The petitioner has produced some copies of medical records, wherein it has been shown that he was admitted in the hospital on 01.12.2021 at 01.00p.m., and he was discharged on 06.12.2021.

5. No doubt, the petitioner has only produced the copies of the complaints sent by him and the postal acknowledgments, the copy of the anticipatory bail



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order along with the petition filed under Section 156(3) Cr.P.C. More importantly, the petitioner in the petition filed under Section 156(3) Cr.P.C., has sought for a direction to register the F.I.R., and for investigation by the Deputy Superintendent of Police, Alangulam and to file final report. Since the petitioner has levelled allegations against the police officers, the learned Magistrate has directed the Superintendent of Police to conduct enquiry and submit a report. No doubt, the learned Magistrate has not directed the concerned police to register the F.I.R., but on the other hand directed the Superintendent of Police to submit a report. The Superintendent of Police, in pursuance of the directions of the learned Magistrate, without registration of F.I.R., has proceeded with his enquiry and submitted his report. In the report, the Superintendent of Police has stated that there was no question of harassment or torturing the litigants who are appearing before the police station for putting signatures, in pursuance of the directions of this Court, that the petitioner's claim that he was taken to the back side of the police station and was threatened is false and untenable, that the petitioner is in the habit of lodging the complaint after complaint against the police officers and that he has given an exaggerated complaint.



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6. The learned Magistrate has observed that the Superintendent of Police has also enclosed the statements recorded from the respondents 1 to 7 along with his enquiry report. The learned Magistrate has also observed that there existed some disputes between the petitioner and his friends with the fifth respondent with regard to the functioning of the fifth respondent as Secretary in the Agricultural Co-operative Credit Union, Uthumalai and thereafter came to the conclusion that the allegations against the police officers connecting the fifth respondent and on that basis, seeking registration of F.I.R., cannot be accepted.

7. Considering the above facts and circumstances and the impugned order passed by the learned Judicial Magistrate, taking note of the report submitted by the Superintendent of Police and the materials available, the learned Magistrate has rightly come to the decision that the same does not disclose any cognizable offence and as such, the petition is liable to be dismissed. The petitioner has not shown any other factual aspects or materials to take a different view than that of the learned Judicial Magistrate. Hence, this Court concludes that the impugned order dismissing the petition filed under Section 156(3) Cr.P.C., cannot be found fault with and as such, the Criminal Revision Case is liable to be dismissed.



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8. In the result, the Criminal Revision Case is dismissed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

The Judicial Magistrate, Alangulam.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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