



Crl.R.C.(MD).No.387 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sathiyadhas

... Petitioner /Complainant

Vs.

1. The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.

... Respondent/Respondent

2. Pushpa Soloma

3. Pratheep

4. Rajesh

... Respondent No.2 to 4/Accused's 1 to 3

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the impugned order dated 14.06.2023 passed in Crl.M.P.No. 11777 of 2022 by the Judicial Magistrate No.I, Kuzhithurai and set aside the same and direct the respondent police to register the FIR.



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For Petitioner : Mr.V.Sukumar

For Respondents : Mr.R.Sivakumar,
Government Advocate(Crl.Side) for R1
Mr.S.Sivakumar (for R2 to R4)

ORDER

The revision petitioner who is the *defacto* complainant filed this petition challenging the impugned order dated 14.06.2023 passed in Crl.M.P.No. 11777 of 2022 by the Judicial Magistrate No.I, Kuzhithurai.

2.According to the petitioner, he made a complaint against three persons before the respondent Police stating that due to civil dispute, he was assaulted by them and with other allegations. Thereafter, the respondent Police issued a C.S.R.No.739 of 2022, on 19.09.2022. Since no action was taken, the petitioner filed a petition under Section 156(3) of Cr.P.C., in Cr.M.P.No.11777 of 2022 before the learned Judicial Magistrate No.1, Kuzhithurai. At the time of hearing, the learned Judicial Magistrate directed the respondent Police to file a report. Thereafter, he filed a negative final report before the learned Judicial Magistrate, on 10.01.2023. At that time, the learned Judicial Magistrate issued notice to the *defacto* complainant and the *defacto* complainant, due to his health condition,



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could not appear. Hence, the petition was dismissed without giving adequate opportunity to the petitioner/*defacto* complainant. After recovery from illness, he produced number of documents to show his *bonafides* that he was ill. More particularly, according to the petitioner, he fell down from a building and he was admitted in the hospital with severe injury, sustained by him. Hence, he seeks to allow this petition.

3.The learned Government Advocate (Crl., Side) appearing for the respondent Police submitted that after filing petition under Section 156(3) of Cr.P.C., the respondent Police filed the report. Thereafter, the petitioner has not taken any steps to file objection. Hence, he seeks to dismiss this petition.

4.This Court considered the rival submission made by the learned counsel appearing on either side and also perused the materials available on record and the impugned order.

5.In view of the submission made by the learned counsel appearing for the petitioner that at the time of filing the above said petition, the petitioner had sustained serious injuries and fracture in the spinal cord, this Court accepts his



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submission and inclined to allow this petition.

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6. Accordingly, this Criminal Revision Case is allowed and remitted the matter back to the learned Judicial Magistrate No.1, Kuzhithurai. The learned Judicial Magistrate No.1, Kuzhithurai, is directed to consider the objection filed by the petitioner and dispose the same in accordance with law. The petitioner is directed to appear before the court below at the time of hearing. Further, the petitioner is directed to cooperate during the proceeding without any delay. It is open to the learned Judicial Magistrate to hear the respondent also.

18.04.2024

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

vsg



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To

1. The Learned Judicial Magistrate No.I,
Kuzhithurai.
2. The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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