



CrI.R.C.(MD).No.1306 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	05.06.2024
Pronounced On	:	20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.1306 of 2023

K.Kannan

...Petitioner / Complainant

Vs.

1.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

2.Boominathan

3.Ansan

4.Ilango

Kannan(Late)

...Respondents

(R2 to R5 are suo motu impleaded as per order of this Court dated 03.04.2024 in CrI.R.C.(MD).No.1306 of 2023)

PRAYER : Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C, to call for the records pertaining to the impugned order in Cr.M.P.No.210 of 2023 in Crime No.98 of 2022 dated 26.05.2023 on the file of the District Munsif cum Judicial Magistrate Court, Ilayankudi, Sivagangai District, and set aside the same and direct the District Munsif Cum Judicial Magistrate Court,



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Ilayankudi, Sivagangai District, to taken on the file of the case in Crime No.98 of 2022 on the file of the respondent Police.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side)
for R1,
Mr.S.Sathya Chidambaram,
for R2 to R4

ORDER

This petition has been filed to set aside the impugned order passed in Cr.M.P.No.210 of 2023 in Crime No.98 of 2022 of the respondent police, dated 26.05.2023 by District Munsif cum Judicial Magistrate Court, Ilayankudi, Sivagangai District, and to direct the District Munsif Cum Judicial Magistrate Court, Ilayankudi, Sivagangai District, to take on the file of the case in Crime No. 98 of 2022 on the file of the first respondent Police.

2.The Petitioner is the Defacto Complainant in Crime No. 98 of 2022 on the file of the first Respondent Police. According to the petitioner, on 13.10.2022 at about 07.00 p.m., the respondents 2 to 5 assaulted him and caused injuries. Hence, he was admitted in the hospital and took treatment. The first respondent



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Police, on receipt of the information from the hospital, registered the above said case. After the investigation, they closed the case as “*Mistake of Fact*”. Hence, he filed the protest petition before the District Munsif cum Judicial Magistrate Court, Ilayankudi, Sivagangai District, and same was dismissed and the closure report filed by the investigating officer was accepted. Challenging the same, he filed the present revision.

3.The learned counsel appearing for the petitioner submitted that the doctor's evidence is available to prove that he sustained injuries. The medical memo and Accident Register (AR) copy were also produced. In the said circumstances, closing of the case is not in accordance with law. The investigating officer in a high-handed manner closed the case. Even though sufficient material was available to frame the charges and to prosecute the case under Sections 294(b), 323, 324 and 506(ii) of IPC, the trial Court dismissed the protest petition. Hence, he prays for allowing the revision.

4.The learned counsel appearing for the private respondents 2 to 5 namely, the accused in Crime No.98 of 2022, stated that he made a false statement before



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the first respondent Police without sustaining any injury and he himself got admitted in the hospital. The doctor gave statement that there was no external injury on the body of the petitioner. The investigating officer, considering all the aspects and also recorded the statement of the neighbours and closed the case as “Mistake of Fact”. On finding that the de facto complaint made false complaint against the accused by exaggerating the incident that took place on 13.10.2022 as if he was attacked by the respondents in order to take revenge against the respondents because of earlier registration of the case against him, at the instance of the second respondent's daughter, namely wife of the petitioner. Hence, he seeks for dismissal of the case.

5.The learned Government Advocate (Crl. Side) also reiterated the said submission and hence, he seeks for dismissal.

6.This court considered the rival submissions made on either side and also perused the records.



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7. Admittedly, the investigating officer conducted the investigation after registration of the case in Crime No.98 of 2022 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC, for the alleged occurrence that took place on 13.10.2022 at about 07.00 p.m. The investigating officer recorded the statement of number of the witnesses. All the witnesses cogently stated that no injury was sustained by the petitioner. Apart from that, even doctor's statement also shows that there was no external injury. It is the specific case of the petitioner that he sustained injuries. But, the doctor said that there were no external injuries. In the said circumstances, all the materials show that there was no assault by the respondents 2 to 5. Further, according to the finding of the investigating officer, he made a false complaint against the private respondents in order to take revenge against them. Apart from that, the police officer also has stated that at the time of making some compromise, there was a heated exchange of words only and there was no assault by the accused. In the said circumstances, the investigating agency, after conducting a detailed investigation, closed the case as "*Mistake of Fact*" and the learned trial Judge also correctly accepted the report as there was no flaw in the investigation.



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8. In the said circumstances, this Court finds no merit in this case. Accordingly, this Criminal Revision Case stands dismissed by confirming the order passed in the impugned order in Cr.M.P.No.210 of 2023, dated 26.05.2023, by the learned District Munsif cum Judicial Magistrate, Ilayankudi, Sivagangai District.

20.06.2024

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

vsg



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To

- 1.The District Munsif cum Judicial Magistrate Court,
Ilayankudi,
Sivagangai District.
- 2.The Inspector of Police,
Salaigramam Police Station,
Sivagangai 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.,

vsg

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