



Crl.R.C.No.31 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.31 of 2025

B.Sundaresan

... Petitioner/Accused

Vs.

1. Rajesh
2. Natarajan
3. N.Shanthakumari
4. State by
The Inspector of Police,
Selaiyur Police Station,
Selaiyur, Chennai – 600 073

... Respondents

Prayer: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, praying to call for the entire records relating to the order passed in Crl.M.P.No.1555 of 2024 dated 28.11.2024 on the file of the learned Judicial Magistrate No.II, Tambaram, Chengalpattu District.

For Petitioner : Mr.R.Hemalatha
For Respondents : Mr.S.Udaya Kumar (for R4)
Government Advocate (Crl. Side)

ORDER

The revision challenges the dismissal of the application filed by the petitioner seeking a direction to register an FIR against respondents 1 to 3.



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2. According to the petitioner, the respondents 1 to 3 conducted a Special Executive Meeting on 09.02.2020 at a school and the respondents 1 to 3, came in a car bearing Regn.No.TN22 BH 8012, in which they have used the flag with Human Rights Emblem and name board besides a logo on the backside of the car; that the said act of the respondents 1 to 3 is therefore an offence under Section 170 of the IPC r/w 5 of Emblems and Names Act.

3. The learned Magistrate while dismissing the petition had observed that the facts constituting the offence have not been established; that the petitioner aggrieved by the fact that a case was registered against him in Cr.No.61 of 2024 at the instance of the respondents 1 to 3, for the offence under Section 170 of the IPC and Section 5 of the emblems & Names Act, had lodged the instant complaint.

4. The learned counsel for the petitioner however would submit that the order of the learned Judge warrants interference as the learned Judge had not considered the documents filed by petitioner in support of



his petition.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 4th respondent/State.

6. On perusal of the impugned order, this Court finds that the petitioner and the respondents 1 to 3 had prior enmity and there are several cases filed against the petitioner either at the instance of the respondents 1 to 3 or by third parties. It is also seen that the petitioner had also filed writ petitions and earlier lodged a complaint against the 1st respondent and his family members that they threatened him, which was closed as 'mistake of fact' and the instant case is one more attempt to file a case against the respondents. The learned Magistrate had considered all the above aspects and also found that there is no *prima facie* case made out to register an FIR and the complaint against the respondents 1 to 3 is motivated and frivolous.

7. The elaborate reasons given by the learned Magistrate does not call for any interference. The impugned order does not suffer from any infirmity. Therefore this Court is not inclined to entertain this revision.



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Accordingly, the criminal revision case is dismissed, confirming the order passed in Crl.M.P.No.1555 of 2024 dated 28.11.2024 on the file of the learned Judicial Magistrate No.II, Tambaram, Chengalpattu District.

09.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
ars

To

1. The Judicial Magistrate No.II,
Tambaram, Chengalpattu District.

2. The Inspector of Police,
Selaiyur Police Station,
Selaiyur,
Chennai – 600 073

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

ars

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