



Crl.R.C.No.1293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 1293 of 2023

Govindan

... Petitioner

..VS..

1. Annadurai

The Inspector of Police,
B-1 Police Station,
Dharmapuri, Dharmapuri District.

2. Murali

Head Constable,
B-1 Police Station,
Dharmapuri,
Dharmapuri District.

3. Anbu

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C. to call for the entire records in pursuant to C.M.P.No.1109 of 2020 on the file of the Judicial Magistrate Court No.I, Dharmapuri, Dharmapuri District vide order dated 11.01.2021 and set aside the same and consequently, direct the Judicial Magistrate Court No.I, Dharmapuri, Dharmapuri District to take cognizance of the complaint.



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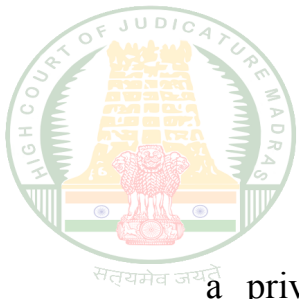
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For Petitioner : Mr.M.Sathish Kumar
For Respondents : No appearance for R1
Ms.G.Revathi
for Mr.V.Balamurugan for R2 and R3

ORDER

This Criminal Revision Petition is filed against the order dated 11.01.2021 passed in C.M.P.No.1109 of 2020 by the Judicial Magistrate-I, Dharmapuri, Dharmapuri District, and consequently, direct the learned Magistrate to take cognizance of the complaint filed by the petitioner.

2. Learned counsel for the petitioner submitted that petitioner has preferred a complaint against the respondents herein on 28.01.2020 alleging that based on the false complaint given by the third respondent herein, respondents 1 and 2 herein had misused their official capacity and assaulted the petitioner and grabbed the cell phone and obtained Rs.9,000/- from the petitioner, and due to that, the petitioner sustained injuries and he was taken to the hospital and was treated as in-patient. Since no action was taken on the said complaint, the petitioner preferred



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a private complaint under Section 200 Cr.P.C before the Judicial Magistrate-I, Dharmapuri for the offences punishable under Sections 323, 324, 326 , 294(b) and 506(Part-I) IPC against the respondents 1 to 3 herein and the same was taken on file in Crl.M.P.No.1109 of 2020. He further submitted that at the time of filing the private complaint, the petitioner has filed relevant documents, however, the learned Magistrate failed to consider the same, but simply dismissed the petition on the ground that there are contradictions in the evidence of the petitioner and the complaint and also relevant documents i.e., Accident Register was not produced to prove when the petitioner was admitted in the hospital, and how many persons were assaulted the petitioner and what are the weapons used to assault the petitioner and also as to what are the grievous injuries sustained by the petitioner. Further, the learned Magistrate, for want of *prima facie* materials, did not take the complaint on file.

3. On a perusal of the entire materials and also the Annexure of documents, this Court is of the view that *prima facie*, there are materials



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to take cognizance of the complaint filed by the petitioner. Further, the documents produced by the petitioner are genuine or not, can be decided only after trial, but not at this stage. Hence, the order dated 11.01.2021 passed in Crl.M.P.No.1109 of 2020 by the learned Judicial Magistrate-I, Dharmapuri, is hereby set aside. The learned Magistrate is directed to take the complaint on file and proceed with the complaint and dispose of the same on merits and in accordance with law.

4. With the above directions, this Criminal Revision Petition is disposed of.

11.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To
The Judicial Magistrate-I,
Dharmapuri, Dharmapuri District.



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P.VELMURUGAN, J.

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