



*Crl.R.C.No.833 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 24.06.2025

Pronounced on : 26 .06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Selvi Sujatha

... Petitioner

Versus

1.State : The Sub-Inspector of Police,  
C-3, Seven Wells Police Station,  
Chennai – 01. (Crime No.2187 of 2013)

2.Naina Mohammed

3.Imran @ Imran Khan

4.M.A. Mohideen @ Mohammed Mohideen

5.Ameer Amsa

6.M.L.A. Khan

7.Akbar Masjeed Khan

... Respondents

[ R2 to R7 impleaded as per Order dated 02.06.2023  
made in Crl.MP.No.7962 of 2023]

**PRAYER:** Criminal Revision Case is filed under Sections 397 & 401 of Criminal Procedure Code, 1973, to call for the records in Crl.MP.No.12139 of 2022 in Crime No.2187 of 2013 on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai, and to set aside the same.

For Petitioner : Mr. R. Sankarasubbu,  
for Mr. T.K.S. Gandhi

For Respondents : Mr. A. Gopinath, (for R1)  
Government Advocate (Crl. Side)  
: Mr. A. Nagarajan (for R2 to R5)



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## **ORDER**

**WEB COPY** This Criminal Revision Case is arising out of the order dated 10.02.2023 in Crl.M.P.No.12139 of 2022 passed by the learned VIII Metropolitan Magistrate, George Town, Chennai, thereby dismissing the protest petition filed by the petitioner herein.

2. The petitioner lodged a complaint before the first respondent, which was registered as Crime No.2187 of 2013 for the offences under Sections 147, 148, 294(b), 380 and 506(ii) of the Indian Penal Code, (IPC), 1860. The complaint alleged that on 16.07.2011, the respondents 2 to 7 herein trespassed into the house of the petitioner and threatened her with dire consequences. They also coerced her to withdraw an earlier complaint lodged in connection with an incident that occurred on 15.07.2011. Furthermore, the respondents had given all sorts of disturbances and torture to the petitioner both mentally and physically.

3. After completing the investigation, the first respondent filed a final report, and the First Information Report in Crime No.2187 of 2013 was closed as “Mistake of fact” on 25.11.2022. Upon receiving the 'Referred Charge Sheet' notice, the petitioner filed a protest petition before the VIII Metropolitan



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Magistrate, George Town, Chennai. The learned Magistrate, after perusing the investigation and enquiry conducted by the first respondent, dismissed the protest petition filed by the petitioner. Hence, the petitioner has filed the present revision.

4. Learned counsel for the petitioner submitted that the petitioner, who is an advocate, had previously lodged a complaint against the same accused persons for trespassing into her house, attacking her father and younger brother, and also causing damage to the Pharmacy on 15.07.2011. The first respondent registered a First Information Report, and the accused persons are currently facing trial. In continuation of the said occurrence, on 16.07.2011, once again the very same accused trespassed into her house and threatened her with dire consequences. However, without properly considering the nature of the allegations, the first respondent mechanically closed the First Information Report as 'Mistake of fact'. Therefore, he submitted that the learned Magistrate ought not to have dismissed the protest petition filed by the petitioner.

5. I have heard Mr. R. Sankarasubbu, learned counsel appearing on behalf of the petitioner for Mr. T.K.S. Gandhi, learned counsel for the petitioner, Mr. A. Gopinath, learned Government Advocate (Criminal side)



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appearing for the first respondent and Mr. A. Nagarajan, learned counsel

appearing for the respondents 2 to 5, and I have perused the materials available on record.

6. Though the notice served on the respondents 6 & 7, none appeared on behalf of them, either in person or through counsel.

7. On perusal of records, this Court finds that according to the petitioner, the alleged occurrence took place on 16.07.2011. However, she lodged the complaint only on 05.08.2011. There is absolutely no explanation for the delay in lodging the complaint. That apart, for the occurrence took place on 15.07.2011, the petitioner had already lodged a complaint, and a First Information Report was registered against the respondents 2 to 7, for which, they are now facing trial.

8. According to the petitioner, on the date of the alleged occurrence, the accused persons along with others attempted to break open the door of her house and made a severe attack on the pharmacy. They also damaged the property by broking a window panel.



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9. Upon enquiry, it was found that no such occurrence took place on 16.07.2011. In fact, the petitioner's father and younger brother were admitted to Stanley Hospital, and no one was present at the house of the petitioner on the alleged date of occurrence. Therefore, the first respondent rightly closed the First Information Report in Crime No.2187 of 2013 as 'Mistake of fact'. Considering the facts and circumstance of the case, the learned Magistrate has rightly dismissed the protest petition.

10. In view of the above, this Court finds no infirmity or illegality in the order dated 10.02.2023 passed in Crl.M.P.No.12139 of 2022 by the learned VIII Metropolitan Magistrate, George Town, Chennai, and the same is hereby confirmed.

11. Accordingly, this Criminal Revision Case stands dismissed.

**26.06.2025**

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

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**G.K.ILANTHIRAIYAN, J.**

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To

1. The VIII Metropolitan Magistrate, George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Sub-Inspector of Police, C-3, Seven Wells Police Station,  
Chennai – 01. (Crime No.2187 of 2013)

**Pre-Delivery Order in**

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**26.06.2025**