



Crl.R.C.No.262 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

Crl.R.C.No.262 of 2025

G.V.Nagaraj

... Petitioner

Vs

1. Sengottuvel

2. Saranya

3. Purushothaman

... Respondents

PRAYER: Criminal Revision Case is filed under Section 338 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in CMP.No.78 of 2023 on the file of the Judicial Magistrate No.2, Athur, dated 08.02.2024 by allowing this Criminal Revision.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Notice served
No appearance

ORDER

This Criminal Revision has been filed to set aside the order passed in CMP.No.78 of 2023 on the file of the Judicial Magistrate No.2, Athur, dated 08.02.2024, thereby dismissing the private complaint filed as against the closure report in Crime No.107 of 2018 for the offences punishable under Sections 294(b), 324 and 506(1) of IPC.



Crl.R.C.No.262 of 2025

WEB COPY

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice served on the respondents and the name has been printed in the cause list, today, no one appeared on behalf of the respondents in person or through pleader.

3. A perusal of the complaint lodged by the petitioner alleging that on 24.06.2018 at about 03.00 p.m, when the defacto complainant was cleaning his subject property at about 04.30 p.m, the accused came to the said property and quarrelled with the complainant. They assaulted the defacto complainant and the petitioner sustained injury. Immediately, he was taken to the Government Hospital and while he was taking treatment, the Inspector of Police, Thammampatty Police Station, Salem, closed the FIR as “Mistake of Fact”.

4. A perusal of records revealed that FIR was registered on 26.06.2018 and on the same day, it was closed as “Mistake of Fact” that too when the victim was taking treatment in the hospital. Therefore, the petitioner filed a private complaint and the same was also dismissed.



Crl.R.C.No.262 of 2025

WEB COPY

5. In view of the above, the petitioner has made out a prima facie case to charge the accused for the offences punishable under Sections 294(b), 324 and 506(1) of IPC. Therefore, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order passed in CMP.No.78 of 2023 on the file of the Judicial Magistrate No.2, Athur, dated 08.02.2024 is hereby set aside. The Judicial Magistrate No.2, Athur is directed to take cognizance on the complaint lodged by the petitioner and proceed with the trial after giving an opportunity of hearing the accused.

6. Accordingly, this Criminal Revision Case is allowed.

18.08.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

G.K.ILANTHIRAIYAN. J.

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Crl.R.C.No.262 of 2025

To

The Judicial Magistrate No.2, Athur.

Crl.R.C.No.262 of 2025

18.08.2025

Page 4 of 4