



Crl.R.C.No.1353 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1353 of 2023

Murugan

... Petitioner

Vs

State by the Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

... Respondent

PRAYER:

Criminal Revision Petition filed under Sections 397 & 401 of Cr.P.C., to call for the records and to set aside the order of the learned Judicial Magistrate No.I, Krishnagiri in Crl.M.P.No.2192 of 2023 dated 07.06.2023 and to forward the said complaint to the respondent Police to conduct investigation and to file a report.

For Petitioner : Mr.D.Sivashanmugam

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



Crl.R.C.No.1353 of 2023

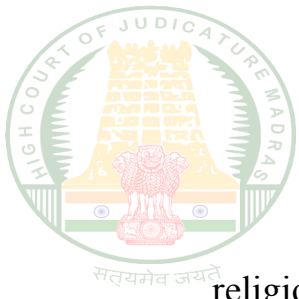
WEB COPY

ORDER

This Criminal Revision Petition has been filed to call for the records and to set aside the order dated 07.06.2023 passed in Crl.M.P.No.2192 of 2023 by the learned Judicial Magistrate No.I, Krishnagiri and forward the petitioner's complaint to the respondent Police and direct them to conduct investigation and to file report.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record. .

3. On a reading of the petitioner's complaint, it is seen that the petitioner's grandfather was conducting religious rites and poojas in the temple in their village. After the demise of his grandfather, the petitioner herein is performing pooja in the said village temple. There was a dispute between the petitioner and villagers with regard to performing

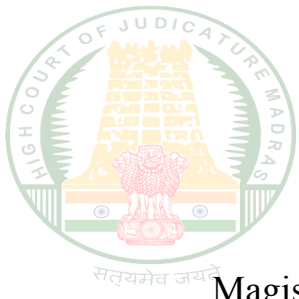


Crl.R.C.No.1353 of 2023

WEB COPY

religious rites/poojas in the said temple. Hence, the petitioner made a complaint before the respondent police to give police protection to perform pooja. Since, the respondent-police has not taken any action on the petitioner's complaint, he filed a petition under Section 156(3) Cr.P.C in Crl.M.P.No.2192 of 2023 before the learned Judicial Magistrate No.I, Krishnagiri. The learned Magistrate dismissed the same vide impugned order dated 07.06.2023, stating that the statement of witnesses were not corroborated with the complaint.

4. Further, on a perusal of the records, it is seen that, the mother of the petitioner was expired on 16.02.2021. Taking advantage of this situation, the named accused persons in the village, prevented the petitioner from conducting funeral ceremony/rites to his deceased mother and also they demanded Rs.40,000/- from the petitioner. Since the petitioner did not pay the said amount, the accused persons had not permitted the petitioner to perform funeral rites. The petitioner's mother's body was buried without performing any rites and rituals. The allegation is very serious. Neither the respondent-Police nor the learned



Crl.R.C.No.1353 of 2023

WEB COPY

Magistrate properly appreciated this sensitive issue. The Investigating agency, neither register a case nor conduct any investigation. The learned Magistrate has also over-sighted the serious nature of offence, simply dismissed the petitioner' s complaint on the ground of non-corroboration. It is strange to state that at the stage of admission, the Court has to analyze the contents of the complaint and the version of the complainant. *Prima facie*, if the Police finds cognizance in the complaint, then, issue summons to the accused. The Magistrate can give a direction to the police to conduct investigation in cases of this nature. Though it is the duty of the complainant to prove the case, the complainant cannot collect the materials against the entire villagers. The entire village is one side and the complainant is on the other side. Hence, no witnesses have come forward to support the complainant. This Court finds that both the police Department and the learned Magistrate have not considered the seriousness of the allegation.

5. Under the facts and circumstances of the case, this Court is inclined to set aside the impugned order passed by the Magistrate and



Crl.R.C.No.1353 of 2023

WEB COPY

accordingly, it is set aside. The respondent-Police is directed to register a case on the petitioner's complaint and conduct investigation and file a charge sheet within a period of two months.

6. With the abovesaid direction, this criminal revision petition is allowed.

12.03.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I, Krishnagiri
2. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Chennai.



WEB COPY



Crl.R.C.No.1353 of 2023

P.VELMURUGAN, J.

mfa

Crl.R.C.No.1353 of 2023

12.03.2025