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Crl.R.C.No.1790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1790 of 2023

Annai Sathya, D/o Subramani

.. Petitioner

Vs.

1. The Sub-Inspector of Police,
All Women Police Station,
Tiruvannamalai.

2. Elumalai, S/o Kanthan

3. Malliga, W/o Kanthan

4. Kanthan, S/o Gopal

.. Respondents

Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C. to call for the records in Crl.M.P.No.817 of 2023, dated 24.04.2023 on the file of the Judicial Magistrate, Additional Mahila Court at Tiruvannamalai and set aside the same.

For petitioner : Mr.B.Jawahar

For respondents: Ms.G.V.Kasthuri, Addl.P.P. for R-1

Mr.M.Mahendran for RR-2 to 4

Page No.1/5



WEB COPY



CrI.R.C.No.1790 of 2023

ORDER

This revision petition is filed by the petitioner/complainant who filed a complaint before the first respondent-Police and since the Police had not taken any action, the petitioner has filed a complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate, Additional Mahila Court (FAC), Tiruvannamalai, seeking to direct the Police to register FIR and investigate the case.

2. The learned Magistrate, even without cross-examining the witnesses, simply dismissed the complaint based on the report filed by the first respondent-Police.

3. On a reading of the complaint, it is seen that there are prima-facie allegations against the respondents 2 to 4 herein/accused. At the time of taking cognizance of the offence(s), the Police or the Magistrate should see as to whether there are any prima-faice materials against the person complained of, and not to see the allegations as to lead to conviction of the accused.

4. On a reading of the entire materials, it is clear that some serious allegations are made against the private respondents herein, whereas, neither



CrI.R.C.No.1790 of 2023

the investigating officer, nor the Magistrate considered the same.

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5. It is not necessary for the investigating officer who accepts the complaint, to prove the case "beyond reasonable doubt", at the time of making the complaint itself. If that be the situation, neither the investigating officer is required, nor the learned Magistrate is required for conducting investigation or conducting trial.

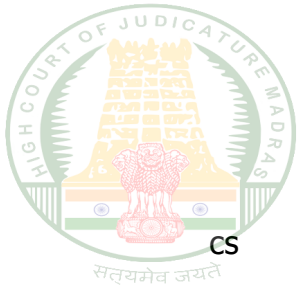
6. Therefore, this Court finds that the approach of the learned Judicial Magistrate and also the investigating officer, is unfair and therefore, the impugned order passed by the learned Magistrate is hereby set aside.

7. The first respondent-Police is directed to register a case on the complaint made by the revision petitioner/complainant and conduct the investigation and file charge-sheet in accordance with law.

8. With the above observations and direction, this revision petition is allowed.

12.03.2025

Page No.3/5



CrI.R.C.No.1790 of 2023

WEB COPY

To

1. The Judicial Magistrate, Additional Mahila Court (FAC), Tiruvannamalai.
2. The Sub-Inspector of Police, All Women Police Station, Tiruvannamalai.
3. The Public Prosecutor, High Court, Madras.
4. The Section Officer, Criminal Section (Records), High Court, Madras.

Page No.4/5



WEB COPY



Crl.R.C.No.1790 of 2023

P.VELMURUGAN, J

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Crl.R.C.No.1790 of 2023

12.03.2025

Page No.5/5