



Crl.R.C.(MD)No.185 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.03.2025

Delivered on : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.185 of 2024

Hemalatha

: Petitioner

Vs.

1.State rep.by the Sub-Inspector of Police,
Manamelkudi Police Station, Pudukkottai District.

2.Rosali Mary

3.George Fernandas

: Respondents

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., to call for the records and set aside the order, dated 20.12.2023 in Cr.M.P.No.7183 of 2023 on the file of the Judicial Magistrate, Aranthangi, Pudukkottai District and direct the respondent to register the case based on the petitioner's complaint.

For Petitioner : Mr.S.Sathya Chidambaram,

For Respondents : Mrs.M.Aasha,
Government Advocate (Criminal Side)
for R1.

: Mr.M.Suresh, for R2 & R3.



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ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.7183 of 2023, dated 20.12.2023 on the file of the Judicial Magistrate, Aranthangi, Pudukkottai District, dismissing the petition filed under Section 156(3) of Cr.P.C.

2. The case of the petitioner is that there existed dispute between the petitioner's family and the respondents 2 and 3; that on 29.10.2023 at about 06.40 am, when the petitioner was doing fencing work, the first respondent had abused the petitioner and threatened her not to come that place without producing any order of the Court; that the petitioner's father has come to that place and on seeing him, the third respondent by abusing him in filthy language, kicked on his chest and as a result, he fell down; that the third respondent went inside his house and brought a knife and stabbed on the petitioner's father's head; that the respondents 2 and 3 had abused in filthy language and attacked the petitioner and her father indiscriminately; that her one gram gold right ear stead was found missing and due to the attack specs was fallen down and got damaged



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and that the neighbors intervened and saved the petitioner and her father from the brutal attack.

3.It is the further case of the petitioner that herself and her father were admitted in Government Hospital in Manamelkudi as inpatients on 29.10.2023; that the police from Manamelkudi has come to the hospital and recorded their statements and that since there was no action, the petitioner after discharge from the hospital gave a complaint on 06.11.2023 and only thereafter, CSR dated 30.10.2023 came to be issued; that since the respondent police has not taken any action, the petitioner sent a complaint to the Superintendent of Police and Deputy Superintendent of Police on 15.11.2023 and since the said complaints were also of no avail, the petitioner was constrained to file the above petition under Section 156(3) of Cr.P.C.

3. The learned Judicial Magistrate, taking the petition filed under Section 156(3) Cr.P.C, on file in Cr.M.P.No.7183 of 2023 and upon perusing the petition, petitioner's affidavit and on hearing the petitioner's side, has passed the impugned order dated 20.12.2023 by holding that there existed land dispute between the parties and that the petitioner has



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not complied with the mandatory requirements of sending complaints to the jurisdictional police, dismissed the petition.

4.No doubt, the Hon'ble Supreme Court in ***Mitesh Kumar J Sha vs The State Of Karnataka***, in Criminal Appeal No.1285 of 2021, dated 26.10.2021, has specifically observed that cloaking a civil dispute with a criminal nature in order to get quicker relief is an abuse of process of law, which must be discouraged.

5.It is also settled law that any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.

6.No doubt, the petitioner in the petition filed under Section 156(3) of Cr.P.C., and the affidavit filed in support of the petition, alleging that while she was doing fencing work, the second respondent had threatened her and directing not to remain in that place without producing the Court order. The learned Judicial Magistrate, taking note of the above averments, has observed that there existed land dispute between the parties.



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7.The petitioner has further alleged that herself and her father was abused in filthy language and was attacked by the respondents 2 and 3 and that they were admitted in the Government Hospital, Manamelkudi.

8.It is pertinent to note that the petitioner has also produced the copies of discharge summary issued by the Government Hospital, Manamelkudi, wherein it has been shown that the petitioner was admitted on 29.10.2023 at 08.00 am and was discharged on 31.10.2023 and whereas, the petitioner's father Veerappan was admitted on 29.10.2023 at 08.10 am and was discharged on 02.11.2023 and that the petitioner as well as his father before the Doctor has stated that they were assaulted.

9.The learned counsel for the private respondents would submit that the second respondent was also admitted in Government Hospital Manamelkudi on 29.10.2023 at 08.30 am and was discharged on 31.10.2023.



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10. The learned Government Advocate (Criminal Side) would submit that in pursuance of the complaint given by the petitioner, CSR came to be registered and in the alleged occurrence, both the parties were injured and at the enquiry both entered into a compromise and on that basis, the complaint was ordered to be closed.

11. As rightly contended by the learned counsel for the petitioner, it is not the case of the learned Government Advocate (Criminal Side) that the private respondents have lodged complaints against the petitioner and her father.

12.The learned Magistrate has observed that the petitioner has not produced the copy of the complaint lodged with the Manamelkudi Police Station and she has only produced the copy of CSR and that therefore, the petitioner has not complied with the mandatory requirements as contemplated under Section 156(3) of Cr.P.C.

13.As already pointed out, it is the specific case of the petitioner that when she was taking treatment in Government Hospital, the Police



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from Manamelkudi Police Station came to the hospital and recorded her statement and that after discharge from the hospital, she went to the police station and lodged another complaint and only at that time, CSR dated 30.10.2023 came to be issued. The petitioner has produced the receipt in CSR.No.247 of 2023 and was dated 30.10.2023.

14. As rightly contended by the learned counsel for the petitioner, since there was no further action, the petitioner has sent a complaint to the Deputy Superintendent of Police Manamelkudi and District Superintendent of Police, Pudukkottai and produced the copies of complaints along with copies of postal acknowledgements. As already pointed out, even according to the learned Government Advocate (Criminal Side), the petitioner's complaint came to be registered in CSR and after enquiry, the same was ordered to be closed.

15. Considering the above, the observation of the learned Magistrate that the petitioner has not complied with the mandatory requirements, cannot be sustained. A perusal of the petition filed under Section 156(3) of Cr.P.C., affidavit filed in support of the above petition and the discharge summary would certainly disclose the commission of



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cognizable offence, but the learned Magistrate, by simply observing that there existed land dispute, has proceeded to dismiss the petition in a mechanical fashion.

16. Just because there existed land dispute or civil dispute between the parties despite the facts that the petitioner has averred specific particulars with regard to the occurrence and the attack made on them and the consequent injuries suffered by them and their hospitalization, dismissal of the petition filed under Section 156(3) Cr.P.C., on the ground that the dispute is of civil in nature cannot be sustained. Hence, this Court concludes that the impugned order dismissing the petition filed under Section 156(3) of Cr.P.C., cannot be sustained and the same is liable to be set aside.

17. In the result, the Criminal Revision is allowed and the impugned order, dated 20.12.2023 in Cr.M.P.No.7183 of 2023 on the file of the Judicial Magistrate, Aranthangi, Pudukkottai District, is hereby set aside. The learned Judicial Magistrate, Aranthangi, Pudukkottai District, is directed to forward the petition filed by the petitioner under Section 156(3) of Cr.P.C., to the jurisdictional police and the concerned Police is



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directed to register an FIR and conduct investigation and then to file final report as expeditiously as possible in accordance with law.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate, Aranthangi,
Pudukkottai District.
- 2.The Superintendent of Police,
Pudukkottai District.
- 3.The Sub-Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
CrI.R.C.(MD)No.185 of 2024

Dated: 26.03.2025