



Crl.R.C.(MD)No.234 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.234 of 2025

and

Crl.M.P.(MD)No.2465 of 2025

V.Ramkumar

... Petitioner

Vs.

State rep. by
Inspector of Police,
Peravurani Police Station,
Peravurani Taluk,
Thanjavur District.
(Crime No.6 of 2013)

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order dated 03.01.2025 made in Crl.M.P.No.58 of 2023 in C.C.No.99 of 2022 on the file of District Munsif cum Judicial Magistrate, Peravurani, and set aside the same and to allow the criminal revision case.

For Petitioner : Mr.V.S.Kumara Guru

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)



Crl.R.C.(MD)No.234 of 2025

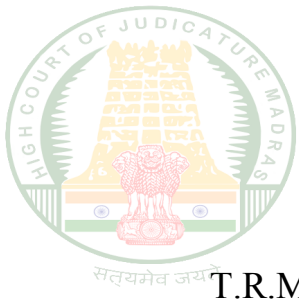
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ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.58 of 2023 in C.C.No.99 of 2022 dated 03.01.2025 on the file of the District Munsif cum Judicial Magistrate, Peravurani, dismissing the protest petition.

2. It is evident from the records that on the basis of the complaint lodged by the petitioner/defacto complainant, FIR came to be registered in Crime No.6 of 2013 for the alleged offences under Sections 147, 379, 427 and 506(2) IPC against 13 persons and the respondent, after completing the investigation, has filed a final report against 11 persons excluding 2 persons for the offences under Sections 147, 379, 427 and 506(2) IPC and the case was taken on file in C.C.No.99 of 2022 on the file of the District Munsif cum Judicial Magistrate, Peravurani.

3. In pursuance of the notice given to the petitioner with regard to the deletion of the accused, the petitioner has filed a protest petition in Crl.M.P.No.58 of 2023 alleging that the two persons, namely,



Crl.R.C.(MD)No.234 of 2025

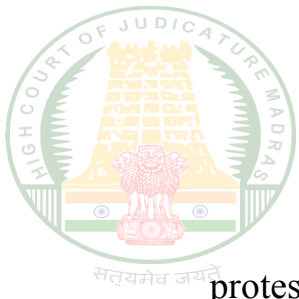
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T.R.Murugesan and Murali Ganesh have purposely been excluded. The respondent has filed a counter statement raising objections. The learned Magistrate, after enquiry, has passed the impugned order dated 03.01.2025 dismissing the petition.

4. The learned Magistrate, in the impugned order, has observed that since the persons excluded are practising Advocate, the petitioner has filed this petition to add them as accused but there are absolutely no materials available against them. It is pertinent to note that just because the said persons were named in the FIR, that by itself is not a reason to include their names in the charge sheet. The respondent, after conducting investigation, finding that the said persons were not involved in the alleged occurrence, deleted their name in the charge sheet.

5. The learned Magistrate has rightly observed that at the trial if any evidence found available against them, the prosecution as well as the defacto complainant can very well invoke Section 319 Cr.P.C.

6. Considering the above, the impugned order dismissing the



Crl.R.C.(MD)/No.234 of 2025

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protest petition cannot be found fault with. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

7. In the result, this Criminal Revision Case stands dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District Munsif cum Judicial Magistrate,
Peravurani.
- 2.The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.234 of 2025



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Crl.R.C.(MD)No.234 of 2025

K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.234 of 2025
and
Crl.M.P.(MD)No.2465 of 2025

Dated: 25.02.2025