



CRL RC(MD)No.462 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.462 of 2025

Sam Robust

... Petitioner / Petitioner

Vs.

Jeeva

... Respondent / Complainant

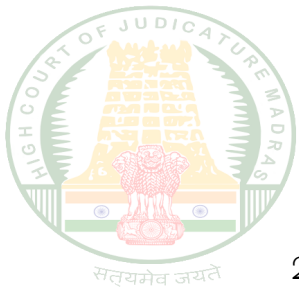
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to set aside the order of the learned Judicial Magistrate No.II, Thoothukudi, dated 27.01.2025 made in C.C.No.14484 of 2024, dismissing the private complaint filed by the petitioner and to restore the case against the respondent.

For Petitioner : Mr.B.Jeyakumar

For Respondent : Mr.R.Murugan

ORDER

Challenging the order passed by the learned Judicial Magistrate No.II, Thoothukudi, dated 27.01.2025, made in C.C.No.14484 of 2024, dismissing the private complaint filed by the petitioner and to restore the case against the respondent, this Criminal Revision case is filed.



CRL RC(MD)/No.462 of 2025

WEB COPY

2. The revision petitioner herein filed a complaint under Section 200 Cr.P.C before the learned Judicial Magistrate No.II, Thoothukudi. The case of the petitioner is that the petitioner is working as an Assistant Inspector, State Government Financial Audit Department, Thoothukudi Corporation. The respondent is the Assistant Director, Local Body Finance Audit Department, who worked in the petitioner's office at that point of time. The petitioner claims that he had been facing several problems since 2016 and he complained that the department officials were acting against the Government. In furtherance to that, on 15.05.2023, he had been fasting without eating food and he remained silent in his seat in the office throughout the day. The respondent had complained about this to the Central Police Station, Thoothukudi, as a result of which, the police had come and had arrested the petitioner.

3. The petitioner was recommended for remand by the police and was produced before the same learned Judicial Magistrate No.II, Thoothukudi. However, the learned Judicial Magistrate No.II, Thoothukudi, refused to remand the petitioner. The first information report was registered as against the petitioner by the Central Police Station, Thoothukudi, in crime No.91 of 2023 for the offences under Section 353, 506(1) IPC and 101 of Mental Health Act, 1987. The



CRL RC(MD)/No.462 of 2025

petitioner came to understand that the First Information Report has been registered against him on the basis of the false allegations made by the respondent and more particularly, an offence under Section 101 of Mental Health Act, 1987, has been added against him which would seriously degrade his goodwill. The petitioner had preferred this private complaint before the learned Judicial Magistrate No.II, Thoothukudi, under Section 200 Cr.P.C.

4. The sworn statements of the petitioner was recorded and five witnesses were examined as PW-1 to PW-5 on his side. The learned Judicial Magistrate No.II, Thoothukudi, taking into consideration the sworn statement of the petitioner herein and the statement of the witnesses and case records, heard the counsel for the petitioner and came to a conclusion that a *prima facie* case has not been made as against the respondent and dismissed by passing the impugned order. Challenging the same, this Criminal Revision case is filed.

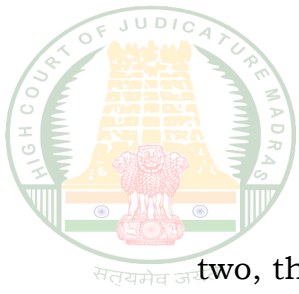
5. The learned counsel for the petitioner categorically submitted that, it is only on the wrong information given by the respondent, the Central Police Station, Thoothukudi, had registered a First Information



CRL RC(MD)No.462 of 2025

Report in Crime No.91 of 2023 as against him. However, the same came to be dropped and the matter was referred as mistake of fact. Only pursuant to the same, the petitioner filed the private complaint under Section 200 of Cr.P.C. as against the respondent to take appropriate criminal action for having taken criminal action against him by giving wrong information more particularly by damaging the petitioner's personality by painting him a mentally unstable person, the same has serious implications in his service as well as goodwill and pressed for allowing the Criminal Revision case.

6. Per contra, the learned counsel for the respondent, Mr.Murugan categorically submitted that, there is no infirmity in the order passed by the learned Judicial Magistrate No.II, Thoothukudi, and it is the duty of a higher official to manage the affairs of an office properly whenever one of the sub-staff was troubling by conducting strikes or fasting without due permission. It is only because of the continuous attitude of the petitioner who continuously observe fasting within the official premises and restraining the higher authorities from closing the office in the evening, the help of the jurisdictional police was sought for requiring them to facilitate the office to be closed every day. It is not the respondent who had lodged a complaint for the continuous

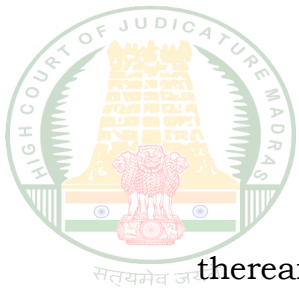


CRL RC(MD)No.462 of 2025

two, three days when the petitioner had observed fasting, different staffs who were in the office had lodged the complaint as against the petitioner facilitating the closure of the office now and then. Hence, there is no infirmity in the order passed by the learned Judicial Magistrate, observing that there is no *prima facie* case and pressed for dismissal of the Criminal Revision case.

7. Heard the learned counsel for the petitioner, the learned counsel for the respondent and carefully perused the materials available on record.

8. This Court carefully perused the complaint given by the respondent as against the petitioner on 19.05.2023, for which, a First Information Report in crime No.91 of 2023 came to be registered which was later closed as mistake of fact by the Investigating Officer. A careful perusal of the same would reveal that the petitioner was suffering a 17(b) charge, for which, he was also subjected to departmental proceeding and he was under depression due to the working atmosphere where he suffered 17(b) proceeding as against him and he had also sought for leave for two days because of depression and



CRL RC(MD)/No.462 of 2025

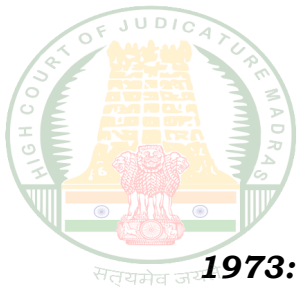
WEB COPY

thereafter he had also objected for the rejection of travelling allowances, as a result of which, he had an uncomfortable working atmosphere which had forced him to resort to continuous fasting so as to creating a lot of hindrance for the proper functioning of the said office and only due to the inability of the office authorities to maintain calm and peaceful atmosphere to conduct the affairs of the office and not being able to close the office at 5:00 PM on 16.05.2023, the typist had given a complaint to the Central Police Station, Thoothukudi, seeking the help to facilitate them to close the office.

9. Even on 18.05.2023, the petitioner was continuously observing fasting and one Inspector, C.Anandaraj, had given a complaint on that day and thereafter it is only on 19.05.2023, when the respondent was in the office, he had given the complaint. Only after perusal of the same, the learned Trial Court has come to a conclusion that there is no *prima facie* case as against the respondent to be proceeded and rightly dismissed the private complaint by the impugned order.

10. **Legal Principles:**

10.1. **Scope of Magistrate's power under Section 200 Cr.P.C.,**



CRL RC(MD)/No.462 of 2025

WEB COPY

The settled law is that at the stage of taking cognizance of a private complaint, the Magistrate is required only to see whether a prima facie case exist. He is not expected to weigh evidence meticulously. The complaint can be dismissed if even on a plain reading of the sworn statements and materials, no offence is made out.

***Pepsi Foods Ltd. v. Special Judicial Magistrate*¹** – The Hon'ble Supreme Court held that summoning an accused is a serious matter, and Magistrates must apply judicial mind to see if a case is made out.

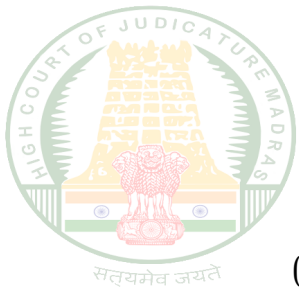
***State of Haryana v. Bhajan Lal*²** – Though in the context of quashing criminal proceedings, the Hon'ble Supreme Court laid down that where allegations are absurd, inherently improbable, or disclose no offence, proceedings can be nipped in the bud.

10.2. ***Revisional Jurisdiction of High Court:***

The revisional power of the High Court is supervisory and not appellate. Interference is warranted only where the order of the Magistrate suffers from jurisdictional error, manifest illegality, or gross miscarriage of justice.

¹ (1998) 5 SCC 749

² 1992 Supp (1) SCC 335



(i) **Amit Kapoor v. Ramesh Chander**³ – The Hon'ble Supreme

Court reiterated that revisional jurisdiction is limited and should not be exercised to re-appreciate evidence unless there is glaring illegality, wherein the Hon'ble Supreme Court held that:

“13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner.....The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. ...

18. Normally, a revisional jurisdiction should be exercised on a question of law. However, when factual appreciation is involved, then it must find place in the class of cases resulting in a perverse finding. Basically, the power is required to be exercised so that justice is done and there is no abuse of power by the court. Merely an apprehension or suspicion of the same would not be a sufficient ground for interference in such cases.

.....

36. Thus, we are of the considered view that the finding returned by the High Court suffers from an error of law. It has delved into the field of appreciation and evaluation of the evidence which is beyond the jurisdiction, either revisional or

³ (2012) 9 SCC 460



CRL RC(MD)No.462 of 2025

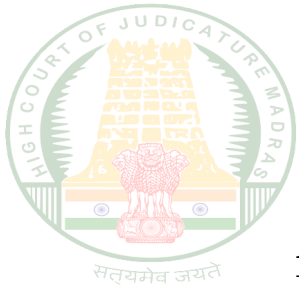
WEB COPY Code.”

inherent, of the High Court under Sections 397 and 482 of the

(ii) **Nagawwa v. Veeranna Shivalingappa Konjalgi**⁴ – The Hon'ble Supreme Court held that a complaint can be dismissed if (i) allegations are inherently improbable, (ii) no offence is disclosed, or (iii) Magistrate finds no sufficient ground to proceed.

11. It is clear that the petitioner had been facing 17(b) disciplinary proceedings and had a strained working atmosphere. His act of observing continuous fasts inside the office premises on 15.05.2023, 16.05.2023 and 18.05.2023 hindered official functioning, forcing staff members to seek police intervention. The complaints to the police were lodged by multiple staff members, not solely by the respondent. The respondent's action appears to be in his official capacity to ensure normal functioning of the office. Though the FIR was later closed as a “mistake of fact”, that by itself does not render the respondent criminally liable. The Magistrate, after due consideration of sworn statements and materials, rightly concluded that there was no prima facie case to summon the respondent.

4 (1976) 3 SCC 736



CRL RC(MD)No.462 of 2025

WEB COPY

12. This Court, exercising revisional jurisdiction, cannot substitute its own appreciation of evidence where the Magistrate's order discloses no illegality or perversity. The impugned order of the learned Judicial Magistrate No.II, Thoothukudi, dated 27.01.2025, dismissing the private complaint, is well reasoned and does not warrant interference.

13. Accordingly, the Criminal Revision case fails and the same is dismissed. No costs.

22.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate No.II,
Thoothukudi.



WEB COPY



CRL RC(MD)No.462 of 2025

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.462 of 2025

22.07.2025