



CRL RC(MD)No.525 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.525 of 2025

and

CRL MP(MD)No.5447 of 2025

1.Rajkumar
2.Chellappa

... Petitioners

Vs.

1.State of Tamil Nadu,
The Sub Inspector of Police,
Alwarkuruchi Police Station,
Alwarkuruchi,
Tenkasi,
Tirunelveli District.
(Crime No.188 of 2021)

2.Chandru

... Respondents

(R2 is impleaded as per order of this Court
dated 17.06.2025 in CrI.M.P.(MD)No.6213 of 2025
in CrI.R.C.(MD)No.525 of 2025 by LVGJ)

PRAYER: Criminal Revision Petition is filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records on the file of the learned Judicial Magistrate, Tenkasi, in Cr.M.P.No.224 of 2025 in C.C.No.507 of 2024 dated 20.03.2025 and set aside the same as illegal.

For Petitioners : Ms.J.Madhu

For 1st Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl.)



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For 2nd Respondent : No Appearance

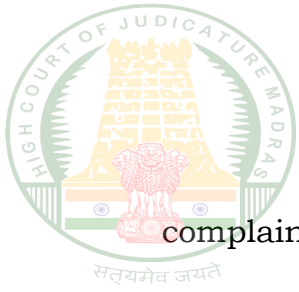
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ORDER

Challenging the order passed by the learned Judicial Magistrate, Tenkasi, in Cr.M.P.No.224 of 2025 in C.C.No.507 of 2024 dated 20.03.2025, this Criminal Revision Case is filed.

2.The petitioners are the A4 and A5 in C.C.No.507 of 2024. The petitioners together filed an application under Section 227 of Cr.P.C., seeking to discharge them from criminal case in C.C.No.507 of 2024.

3.The case of the prosecution is that on 29.06.2021, the defacto complainant Chandru son of Sekar, while he was standing before the brother of his friend's house at about 08.00 p.m., the neighbour by name one Chellappa had intercepted with the defacto complainant abusing him with filthy words and attacking the defacto complainant with stick in his back as the result of which, the defacto complainant had sustained lacerated injuries and contusion. On the same day, the defacto complainant had taken treatment with the help of his brother Subbash in Kadayam hospital at about 11.00 p.m., and was given first aid. After taking treatment as out patient, he had given a complaint before the respondent Police. Thereafter, on 01.07.2021, at about 02.00 p.m., while the defacto



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complainant was at his home, one Suresh son of Kumar and another Suresh son of Subbaiah and one Manikandan son of Pitchai together came to the house of the defacto complainant and attacked the defacto complainant with the help of matchete (வெட்டு அருவாளி) causing several injuries on the defacto complainant and while attacking, they abused the defacto complainant in filthy words “how dare you are to give a complaint before the police station against Chellappa”. Thereafter, the defacto complainant was taken in 108 ambulance and he was admitted as in patient in Ambasamudram Government hospital and the complaint was lodged about 05.30 p.m. On receipt of intimation from the hospital, the respondent police went to the hospital and has taken the statement of the defacto complainant and on the basis of the wound certificate issued by the Doctor, FIR in Crime No.188 of 2021 came to be registered by the respondent Police. FIR was filed as against one Suresh son of Kumar and another Suresh son of Subbaiah and one Manikandan son of Pitchai and all of them hail from Vagaikulam Village. Thereafter, investigation was conducted by the respondent police and on 28.07.2024, the respondent Police had filed a final report, in which the petitioners name have been implicated as A4 and A5. Challenging the same, a discharge petition came to be filed by the petitioners before the learned Judicial Magistrate, Tenkasi. The learned Judicial Magistrate, taking into consideration the 161(3) statement under the Code of Criminal Procedure, 1973, received from the defacto complainant and also perusing the FIR came to a conclusion that the incident which happened on



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29.06.2021 is a continuing offence, which is connected to that had happened on 01.07.2021 and hence, the question of discharging the accused 4 and 5 will not arise and on that premise, the discharge petition came to be dismissed. Challenging the same, this Criminal Revision Case is filed.

4.The learned counsel appearing for the petitioner pointed out that in the FIR, in column no.3(a), the occurrence of the offence is clearly given as Thursday and the date is mentioned as 01.07.2021 and then time has been mentioned as 14.00 hours and in column no.3(b), date on which the information received at Police Station is mentioned as 01.07.2021 and its time is mentioned as 17.30 hours. In column no.4, type of information is mentioned as oral and in column no.5(a) place of occurrence, direction and distance from police station is mentioned as west and 2.0 km from the police station and in column no.5(b) address is mentioned as Vagaikulam Nadutheru before the house of the defacto complainant. In Column no.7, the details of known/suspected/unknown accused is mentioned as (i)Suresh, S/o. Kumar, Vagaikulam, (ii)Suresh, S/o. Subbaiah, Vagaikulam and (iii)Manikandan, S/o. Pitchai, Vagaikulam.

5.While narrating the alleged offence in the contents of FIR, it is stated



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that all the three accused have assaulted the defacto complainant abusing him, as the result of which the complaint has been lodged by the defacto complainant as against one Chellappa i.e., 29.06.2021. The alleged first incident which happened on 29.06.2021, has nothing to do with the alleged incident which happened on 01.07.2021. Though the defacto complainant had claimed to have lodged a complaint on 29.06.2021, no FIR was filed against the petitioners herein. However, in the later complaint which was given by the defacto complainant on 01.07.2021, the petitioner's name was not mentioned. After investigation while filing the final report, the respondent Police had added these petitioners as A4 and A5. The same is not in accordance with law and the petitioner should necessarily be discharged for they are implicated by the respondent police. No such offence had happened at all and pressed for allowing the Revision Case.

6.The learned Government Advocate (Crl.) appearing for the respondent categorically contended that, after being attacked by Rajkumar and Chellappa on 29.06.2021, the defacto complainant had duly lodged a complaint before the respondent police for which CSR was issued. When the investigation is pending, immediately within a period of two days, the second incident had happened on 01.07.2021, wherein the accused 1, 2 and 3 attacked the defacto complainant in the name of offenders in the earlier complaint lodged by the same defacto complainant and hence, the question



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of registering separate FIR will not arise. FIR was registered on the basis of two complaints received from the defacto complainant and even in the subsequent complaint which was lodged on 01.07.2021, which was given by the defacto complainant, the name of the petitioners herein are clearly mentioned by him. Even in the contents of the FIR, it is stated that the statement which was received on intimation from the Government hospital from the defacto complainant, the name of the petitioners are mentioned and there is no infirmity in the order passed by the learned Trial Court and pressed for dismissal of the Revision Case.

7.Heard the learned counsel on either side and carefully perused the materials available on record.

8.Only after perusing the complaint and Section 161(3) of the Code of Criminal Procedure, 1973, statement of the defacto complainant, the impugned order has been passed by the learned Judicial Magistrate. However, I am of the considered view that the FIR would clearly reveal that the complaint registered by the defacto complainant against one Suresh son of Kumar, another Suresh son of Subbaiah and one Manikandan son of Pitchai, no where in the said FIR, the name of the petitioners herein are given in the details of the known/suspected/unknown accused. That apart,



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in column no.3(b) of FIR, the information received at police station on 01.07.2021 at about 17.30 hours and place of occurrence in column no.5(a) reflects as west and 2.0 kms from the police station and address of occurrence in column no.5(b) reflects as before the house of the defacto complainant Nadutheru Vaigaikulam and time of occurrence as 02.00 p.m., on 01.07.2021. Having clearly given for the alleged offence which happened on 01.07.2021 at about 14.00 hours before the house of the defacto complainant at Nadutheru Vaigaikulam, which is almost 2 km from the west of police station, I do not find any demerit in the respondent's investigation in filing the final report by implicating the petitioners herein, which is not required by the defacto complainant himself. Hence, the impugned order dated 20.03.2025, is set aside and the petitioners are discharged from the offences.

9.In view of the above, this Criminal Revision Case is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

24.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

- 1.The Judicial Magistrate, Tenkasi District.
- 2.The Sub Inspector of Police,
Alwarkuruchi Police Station,
Alwarkuruchi,
Tenkasi,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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