



CRL RC(MD)No.511 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.511 of 2025

M.Edward Jayaseelan

... Petitioner / Accused No.2

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.

... 1st respondent / Complainant

2.Arockiya Edwin

... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and to set aside the impugned order passed by the learned Judicial Magistrate No.1, Nagercoil, CrI.M.P.No. 13710/2022, dated 07.02.2025 in crime No.109/2018.

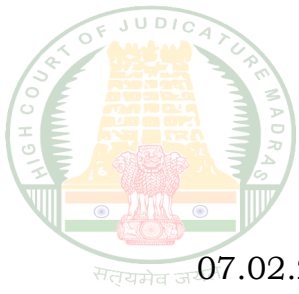
For Petitioner : Mr.F.X.Eugene

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate
(Criminal side)

For R-2 : Mr.S.Pillai Monicantan

ORDER

This criminal revision petition is filed challenging the order dated



CRL RC(MD)No.511 of 2025

07.02.2025 passed by the learned Judicial Magistrate No. 1, Nagercoil, in Criminal M.P. No. 13710 of 2022 in Crime No. 109 of 2018, whereby cognizance was taken against the petitioner and process was issued.

2. Facts of the Case:

Occurrence: On 12.08.2008 at about 4:30 p.m., at St. Judes Higher Secondary School, Mela Asaripallam, a meeting was convened regarding the election to the office-bearer of Vincent Paul Sabai at St. Michael Archangel Church, Mela Asaripallam. The de-facto complainant, Mr. Arockya Edwin, expressed the view that persons above sixty years should not contest, pointing to Joseph (65).

Alleged Assault: Aggrieved, four accused, Joseph; the petitioner Edward Jeyaseelan; Jeya Kumar; and Edwin Ro, allegedly used obscene language, assaulted the complainant, causing bleeding injuries on the hand, eyebrow, and chin, and threatened his life. Witnesses including one John Kennedy came forward. The complainant was hospitalized from 12.08.2008 to 15.08.2008.

FIR & Investigation: On 12.08.2008, Asaripallam Police registered a FIR in FIR No. 109 of 2018 under Sections 294(b), 323, 324 and 506(ii) IPC, 1860. By final report dated 15.10.2018 accompanied by



CRL RC(MD)No.511 of 2025

an alteration report, the names of Joseph and Edward Jeyaseelan were dropped; only Jeya Kumar and Edwin Ro remained charged.

Protest Petition: The *de facto* complainant filed Criminal M.P. No. 13710 of 2023, protesting the dropping of two accused.

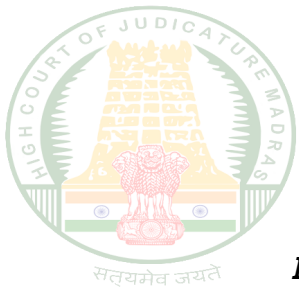
Magistrate's Order: On 07.10.2025, after perusal of evidence and documents (including wound certificate and RTI-obtained materials), the Magistrate held a *prima facie* case to exist, took cognizance against all four accused, and issued process, adjourning for evidence to 21.10.2025.

3. Contentions of the Parties:

Petitioner's Case:

Delay in Protest: The protest petition filed on 10.08.2023, almost two years after the final report, is inordinate and *mala fide*, aimed at harassing the petitioner (then a public servant due to retire 31.05.2025).

Absence of Infirmary: The police, after investigation, rightly dropped the petitioner's name. No fresh evidence against him surfaced in the intervening years.



CRL RC(MD)No.511 of 2025

Malicious Motive: The complainant colluded with the Deputy Director of Prosecutions to resurrect the case for ulterior motives.

2nd Respondent's Case:

Right to Protest: A *de facto* complainant is entitled to protest within thirty days from communication of the final report (Section 173(8) CrPC), but this Court has discretion to entertain delayed protests for sufficient cause.

Merits to be Tried: The genuineness of injuries and threats can only be tested in trial; the Magistrate was correct in taking cognizance on prima facie materials.

Counter-Proceeding: A counter-FIR (Crime No. 110 of 2018) against the complainant underscores the complexity better suited for trial.

4. Points for Consideration:

Validity of the Protest: Whether the protest petition filed nearly two years after the final report is barred by delay or suffers from *mala fides*.

Scope of Revision: Whether the Magistrate's exercise of jurisdiction in taking cognizance suffers from any jurisdictional error or



CRL RC(MD)No.511 of 2025

illegality warranting interference.

WEB COPY

5. Decision and Reasons:

On Delay:

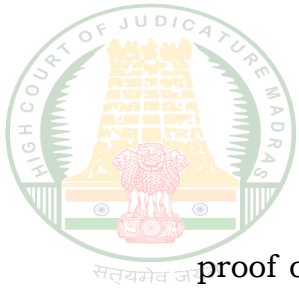
While Section 173(8) Cr.P.C. prescribes a thirty-day window for protest, the Courts have ruled that a belated protest may be allowed if the delay is satisfactorily explained and non-prejudicial to the accused ***State of Punjab v. Jagdev Singh***, (1974) 2 SCC 39. The petitioner has not demonstrated any prejudice arising from the delay: no trial date had been fixed before the protest (the Magistrate's order was passed only in October 2025). And as on today the petitioner has retired from service without any dispute/difficulty.

On Prima Facie Jurisdiction:

The Magistrate examined the FIR, wound certificate, witness statements and RTI-procured documents. A “prima facie” satisfaction is a low threshold, meant only to ensure that the complaint is not frivolous. There is no indication of misapplication of mind or non-consideration of relevant material.

On Malice:

Allegations of malice in filing the protest petition, without specific



CRL RC(MD)No.511 of 2025

proof of collusion or ulterior purpose beyond speculation, do not vitiate the order of cognizance.

6. Conclusion:

In the absence of any jurisdictional error or demonstrable prejudice, this Court finds no ground to interfere with the order dated 07.02.2025. The criminal revision petition is therefore dismissed. No Costs.

30.06.2025

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

To

- 1.The Judicial Magistrate JM No.1,
Nagercoil.
- 2.The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

Madurai.



WEB COPY



CRL RC(MD)No.511 of 2025

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.511 of 2025

30.06.2025