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Crl.R.C(MD)No.1112 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.12.2024

Pronounced on : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1112 of 2024

C.Chandrakesan

... Petitioner

Vs.

1.The Assistant Police Commissioner,
Srirangam Police Station,
Srirangam,
Trichy City.
(Crime No.1076 of 2022)

2.Ravichandran

... Respondent

PRAYER: This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the I Additional District Court (PCR), Tiruchirapalli in Cr.M.P.No.5211 of 2022, dated 28.02.2024 and set aside the same.

For Petitioner : Mr.R.Iyappan

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

For R2 : Mr.D.Ramesh Kumar



ORDER

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This Criminal Revision Case has been filed against the order, dated 28.02.2024 passed in Crl.M.P.No.5211 of 2022 by the I Additional District Court (PCR), Tiruchirappalli and to set aside the same and pass suitable order.

2.The brief facts of the case:

The revision petitioner is doing real estate business in Trichy and he belongs to the Schedule Caste community - Hindu Pallar. The second respondent approached the revision petitioner, offered his willingness to purchase a house and agreed to give 4% commission amount on sale consideration. At the instance of the revision petitioner, the second respondent purchased a house for Rs.75 lakhs at Bharath Dulip Gardina, Arul Jothi Garden at Srirangam to Melur Road, Trichy. But, the second respondent failed to pay the commission amount as agreed. On 24.06.2020 at 6.00 a.m., the revision petitioner met the second respondent and asked him to settle the commission amount, but the second respondent scolded the revision petitioner with abusive words using the petitioner's caste name. Hence, the revision petitioner lodged a police complaint before the Srirangam Police Station against the second



respondent. Since no action was taken, he sent the complaint to higher police officials, but no action was taken. Therefore, the revision petitioner filed the petition in CrI.M.P.No.3753 of 2022 U/s.156(3) of Cr.P.C., before the I Additional District Court (PCR), Trichy and upon direction passed therein, a case in Crime No.1076 of 2022 was registered against the second respondent U/s.294(b), 323, 506(i), 420 of IPC r/w 3(1)(x), 3(1)(xi) of SC/ST Act. The first respondent did investigation and filed the final report, dated 31.10.2022 as mistake of fact. Against the said final report, the revision petitioner has filed the protest petition in Cr.M.P.No.5211 of 2022 before the I Additional District Court (PCR), Tiruchirappalli, however, the said petition was dismissed on 28.02.2024.

3. Aggrieved by the order of dismissal, the revision petitioner has come forward with this present Criminal Revision Case.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and learned counsel for the second respondent and perused the records in this Criminal Revision Case.



5. The learned counsel appearing for the revision petitioner has submitted that the first respondent has not produced any material evidence and documents for closure of the case as mistake of fact. The Investigating Officer belonged to the same community of the second respondent and has not properly investigated the case as FIR was registered on private complaint. The trial Court has not considered these aspects and mechanically accepted the vague final report of the first respondent. Therefore, this Criminal Revision may be allowed.

6. The learned Government Advocate (Criminal Side) and the learned counsel appearing for the second respondent have objected the criminal revision. There were totally 19 witnesses examined and on enquiring them no *prima facie* material came to light during investigation in support of occurrence as alleged by the revision petitioner and hence, final report was filed as "mistake of fact".

7. On hearing both sides, it is clear that the petitioner has filed the petition U/s.156(3) of Cr.P.C. and as per direction, F.I.R. in Crime No.1076 of 2022 was registered against the second respondent U/s.294(b), 323, 506(i), 420 of IPC r/w 3(1)(x), 3(1)(xi) of SC/ST Act upon the allegation that the second respondent used filthy language and



mentioning caste name of the revision petitioner on the occurrence day.

The revision petitioner has filed a copy of the final report and on perusal of the same it is clear that the Investigating Officer has examined as many as 19 witnesses and in their statements, the witnesses denied the alleged occurrence. A perusal of the impugned order it is clear that the trial Court discussed the examination of witnesses by the Investigating Officer and also the second respondent in his statement stated that he sent legal notice, dated 08.06.2020 to the revision petitioner as the revision petitioner continuously tortured him by demanding commission amount, which was already paid by LW18 - Tr.Noor Mohammed. The issuance of above said legal notice was not denied by the revision petitioner.

8. The contention of the revision petitioner is that the Investigating Officer also belonged to the same caste of the second respondent is not sustainable. If the revision petitioner felt so, he ought to have taken appropriate steps by approaching the higher officials, and after filing the final report such contention raised by the revision petitioner is baseless. Therefore, the trial Court has properly observed and correctly passed the impugned order. Considering the above facts and circumstances, this Court does not find any irregularity upon the order of the trial Court and



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it does not warrant any interference. Therefore, this Court is not inclined to allow this Criminal Revision Case.

9. In the result, this Criminal Revision Case is dismissed.

05.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The I Additional District Judge (PCR),
Tiruchirappalli.
- 2.The Assistant Police Commissioner,
Srirangam Police Station,
Srirangam,
Trichy City.
(Crime No.1076 of 2022)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Crl.R.C(MD)No.1112 of 2024

05.02.2025