



Crl.R.C.(MD)No.1042 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.03.2025

Pronounced on : 09.04.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1042 of 2024

Shanmugasundaram

... Petitioner

Vs.

- 1.Subbulakshmi
- 2.Sudailaimani
- 3.The Inspector of Police,
Thoothukudi District,
Thoothukudi.
- 4.Sankar
Deputy Superintendent,
Maniyachi,
Puliyampatti,
Thoothukudi.
- 5.Pon Muniyasamy
Sub Inspector of Police,
Naraikinaru Police Station,
Naraikinaru.



Crl.R.C.(MD)No.1042 of 2024

6.Muthusamy

Sub Inspector of Police,
Naraikinaru Police Station,
Naraikinaru.

... Respondents

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram against in Crl.M.P.No.3360 of 2023 dated 19.07.2023 and set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Ottapidaram and consequently direct the respondents police to register the FIR on the complaint of the petitioner dated 08.08.2022.

For Petitioner : Mr.A.Meenakshi Sundaram
for Mr.P.M.Vishnuvarthanan

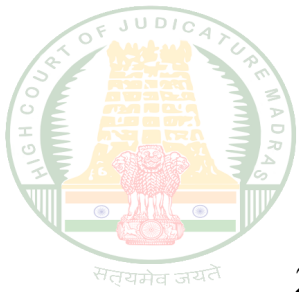
For R1 & R2 : Mr.P.Kanagaraj

For R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For R4 to R6 : Mr.P.Jeyasankar

ORDER

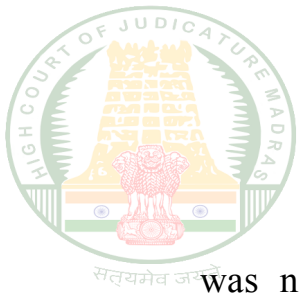
The Criminal Revision is directed against the order passed in Crl.M.P.No.3360 of 2023 dated 19.07.2023 on the file of the District Munsif cum Judicial Magistrate, Ottapidaram, dismissing the petition filed under Section 156(3) of the Code of Criminal Procedure.



Crl.R.C.(MD)No.1042 of 2024

WEB COPY

2. The case of the petitioner is that on 07.05.2019, the respondents 1 and 2 along with six people had assaulted the petitioner's son in the village temple festival and had stolen 5 sovereigns of gold chain from his son, that the petitioner has given a complaint before the Naraikinaru Police Station but there was no action, that the police having received a false complaint from the first respondent threatened the petitioner to compromise the matter and to withdraw his complaint or else he would not continue in BSNL service, that on the basis of the complaint taken from the first respondent, FIR came to be registered in Crime No.9 of 2019 against the petitioner and his son but no action was taken against the respondents 1 and 2, who snatched 5 sovereigns of gold chain from the petitioner's son, that the petitioner has sent a complaint to the Inspector General of Police (South Zone), Madurai on 10.05.2022 with a copy to the District Superintendent of Police, that based on the complaint sent to the District Superintendent of Police, the Deputy Superintendent of Police, Puliampatti had conducted enquiry in his office on 02.07.2022 and threatened and informed that the complaint cannot be taken on file and refused to direct for registration of FIR, that thereafter the petitioner sent a representation to the Chief Minister Special Cell on 12.07.2022 but there



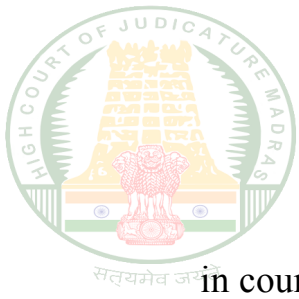
Crl.R.C.(MD)No.1042 of 2024

WEB COPY

was no action, that on 08.08.2022, the petitioner has again given a complaint to the Sub Inspector of Police, Naraikinaru Police Station, for which, CSR came to be issued in CSR No.104 of 2022 on the same day, that the respondents 1 and 2 had committed the offences punishable under Sections 120B, 294(b), 378, 352 and 506(1) IPC, that though the petitioner sent a complaint to the Superintendent of Police, there was no action and that therefore the petitioner was constrained to file the above petition under Section 156(3) Cr.P.C.

3. The learned Judicial Magistrate, taking the petition filed under Section 156(3) Cr.P.C. on file in Crl.M.P.No.3360 of 2023 and upon perusing the petition and the petitioner's affidavit and on hearing the petitioner's side, has passed the impugned order dated 19.07.2023 by holding that the complaint is barred by limitation, dismissed the petition.

4. The learned counsel appearing for the respondents 1 and 2 would submit that the petitioner's son Rajagopal and the first respondent had filed complaints against each other and on that basis, FIRs came to be registered in Crime Nos.9 and 10 of 2019 on 21.05.2019 as case and case

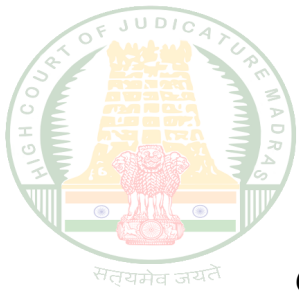


Crl.R.C.(MD)No.1042 of 2024

WEB COPY

in counter, that the petitioner and his son Rajagopal have filed a petition in Crl.O.P.(MD)No.9912 of 2019 and Vignesh and five others have filed a petition in Crl.O.P.(MD)No.10117 of 2019 seeking orders to quash the proceedings in Crime Nos.9 and 10 of 2019 on the file of the third respondent police and that since both the parties have entered into compromise, a learned Judge of this Court vide common order dated 22.07.2019 recording the settlement entered into between the parties, allowed the petitions and thereby quashed the proceedings in Crime Nos.9 and 10 of 2019 on the file of the third respondent police.

5. The learned counsel appearing for the respondents 1 and 2 would further submit that after the lapse of more than three years from quashment of the FIRs, the petitioner has lodged the complaint, as if, the respondents 1 and 2 had stolen 5 sovereigns of gold chain from the petitioner's son and the same was not recovered in the occurrence alleged to have held on 07.05.2019, that the complaint lodged on 08.08.2022 is clearly barred by limitation and that the learned Magistrate has rightly dismissed the petition filed under Section 156(3) Cr.P.C.



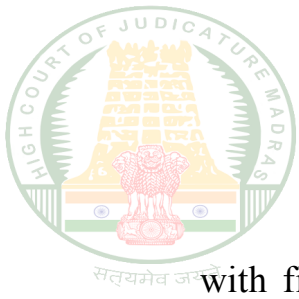
Crl.R.C.(MD)No.1042 of 2024

WEB COPY

6. The learned Government Advocate (Criminal Side) appearing for the third respondent would submit that the petitioner has lodged the complaint on 08.08.2022 alleging that the petitioner son's gold chain was found missing and the same was very much available with the respondents 1 and 2 and when the same was questioned, they have started to create problems, that though the petitioner was summoned to appear for enquiry, he has not turned up, that the respondents 1 and 2 have entered into appearance and informed that there existed land dispute between the parties and the case is pending before the Madurai Bench of Madras High Court and that after enquiry, the complaint was ordered to be closed.

7. As already pointed out, the petitioner has alleged that the respondents had committed the offences under Sections 120B, 294(b), 378, 352 and 506(1) IPC.

8. Section 467 Cr.P.C. defines the period of limitation for taking cognizance under Section 468 Cr.P.C. According to Section 468 Cr.P.C., a Court cannot take cognizance of an offence after the limitation period has expired. The limitation periods are six months for offences punishable

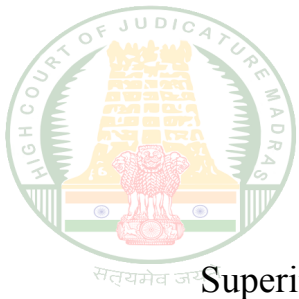


Crl.R.C.(MD)No.1042 of 2024

WEB COPY

with fine only, one year for offences punishable with imprisonment not exceeding one year, and three years for offences punishable with imprisonment up to three years. In this case, the learned Magistrate correctly noted the prescribed punishments: Section 294(b) IPC carries imprisonment for up to three months or fine or both, Section 379 IPC carries imprisonment for up to three years or fine or both, Section 352 IPC carries imprisonment for up to three months or fine up to Rs.500/- or both and Section 506(1) IPC carries imprisonment for up to two years or fine or both.

9. The petitioner, in his complaint, has specifically alleged that the incident was occurred on 07.05.2019. The petitioner, in his petition filed under Section 156(3) Cr.P.C. and in the affidavit filed in support of the petition, has alleged that complaint came to be lodged on 07.05.2019 itself but there was no action and that subsequently he lodged complaints to the Inspector General of Police and District Superintendent of Police on 10.05.2022 and the Sub Inspector of Police, Naraikinaru Police Station on 08.08.2022 and that CSR came to be issued on 08.08.2022. Admittedly, the petitioner has produced the copies of the complaints sent to the District



Crl.R.C.(MD)No.1042 of 2024

WEB COPY

Superintendent of Police on 10.05.2022 and the Inspector General of Police (South Zone) along with postal receipts and acknowledgment cards and also receipt in CSR No.104 of 2022. As rightly contended by the learned counsel appearing for the respondents 1 and 2 and as rightly observed by the learned Magistrate, the complaint came to be lodged on 08.08.2022 for the incident allegedly occurred on 07.05.2019 after the lapse of three years and as such, the finding of the learned Magistrate that there is bar for taking cognizance after the expiry of limitation period without any valid reason to extend the limitation period, cannot be found fault with.

10. It is pertinent to note that the petitioner has alleged that on the basis of the complaint given by the first respondent, FIR came to be registered against him and his son in Crime No.9 of 2019. But as rightly contended by the learned counsel appearing for the respondents 1 and 2 as well as the learned Government Advocate (Criminal Side) appearing for the third respondent, the petitioner has suppressed the registration of FIR in Crime No.10 of 2019, which came to be registered on the basis of the complaint given by the petitioner's son Rajagopal. Moreover, FIR in Crime



Crl.R.C.(MD)No.1042 of 2024

WEB COPY

No.10 of 2019 came to be registered for the offences under Sections 147, 294(b), 323 and 379 IPC and that since both the parties have entered into settlement, this Court recording the same has quashed both the FIRs in Crime Nos.9 and 10 of 2019.

11. Notably, the petitioner has also suppressed the fact that earlier criminal original petitions were filed and FIRs were quashed by this Court as far back as 22.07.2019.

12. Viewing from any angle, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C. by the learned Magistrate cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

13. In the result, this Criminal Revision Case stands dismissed. No costs.

09.04.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

9/10



WEB COPY



Crl.R.C.(MD)No.1042 of 2024

K.MURALI SHANKAR,J.

csn

To

1. The District Munsif cum Judicial Magistrate,
Ottapidaram.
- 2.The Inspector of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Order made in
Crl.R.C.(MD)No.1042 of 2024

Dated : 09.04.2025