



Crl.R.C.(MD)No.999 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Kasilingam

... Petitioner/4th Respondent/
Accused No.7

Vs.

1.Renganayaki

... Respondent/Petitioner/
Defacto Complainant

2.The State.Rep by
Sub Inspector of Police,
P.C.Patti Police Station,
Theni District.

... Respondent/1st Petitioner/
Complainant

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, to set aside the order dated 27.06.2025 passed by the learned Additional Mahila (JM Level), Theni in CR.MP.No.762 of 2024.

For Petitioner : Mr.M.Arun Prakash

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition is directed against the order of the learned Additional Mahila Court (JM Level), Theni, in Cr.M.P.No.762 of 2024 dated 27.06.2025, whereby the Trial Court rejected the deletion and alteration report filed by the police and proceeded to include the revision petitioner (A7) along with others in Crime No.80 of 2023.

2. Notice:

Considering the nature of relief sought, notice to the 1st respondent/de facto complainant is dispensed with.

3. Case Background:

(a) The petitioner herein is arrayed as the 7th accused in Crime No. 80 of 2023 on the file of the second respondent police. The case was initially registered for offences under Sections 147, 148, 447, 294(b), 323, 324, 506(ii) IPC, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.



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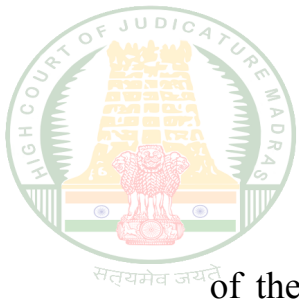
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(b) The defacto complainant, namely Renganayaki, lodged a complaint on 19.02.2023 at 16.30 hours, alleging that due to a long-standing land dispute with one Thanalakshmi and her family members, including Arumugam (husband of Thanalakshmi), Thiruppathi and Aravinth, they, along with others, trespassed into her garden land at about 10.00 a.m. armed with weapons and assaulted her, her sister-in-law, and her mother-in-law. The aggressors, after causing injuries, allegedly fled from the scene. The complaint implicated seven persons, including the petitioner herein.

4. Filing of Final Report and Deletion of Names:

(a) After investigation, the police filed a final report on 18.05.2023 before the Trial Court for offences under Sections 447, 294(b), 323, 324, 506(ii) IPC, 1860, and Section 4 of the TNPHW Act, 1988, against four persons alone, deleting the names of Aravinth, Rajapandi, and the petitioner Kasilingam.

(b) Aggrieved by such deletion, the de facto complainant filed a protest petition in Cr.M.P.No.762 of 2024. The Trial Court, upon perusal



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of the FIR, complaint, and statements under Section 161 Cr.P.C.,1973, found that the names of accused Nos.4, 5, and 6 were consistently reflected and, therefore, rejected the deletion report. The learned Magistrate accordingly took cognizance of the offences against all the accused, including the present petitioner.

5. Submissions on Behalf of the Petitioner:

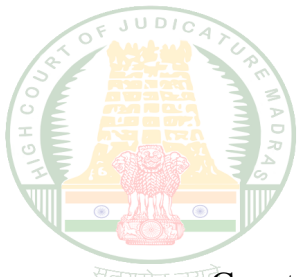
The learned counsel for the petitioner contended:

(a) The impugned order is cryptic and non-speaking, as it does not specifically mention the role of A7/petitioner.

(b) In the statement recorded under Section 161(3) Cr.P.C.,1973, the de facto complainant herself admitted that Aravinth, Rajapandi, and Kasilingam (petitioner herein) were not aggressors, but persons who attempted to pacify the quarrel. Their names were exaggeratedly included due to prior enmity.

(c) The Trial Court failed to advert to this crucial aspect, which shows non-application of mind.

(d) No overt act is attributed to the petitioner either in the complaint or during investigation. Hence, he seeks interference by this



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Court to set aside the impugned order.

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6. Submissions on Behalf of the Respondent:

Per contra, the learned Additional Public Prosecutor submitted:

(a) In the protest petition filed by the de facto complainant, the overt act of the petitioner is clearly delineated.

(b) The Trial Court, after perusing the protest petition, FIR, and complaint, rightly held that prima facie materials exist against the petitioner also.

(c) The Magistrate cannot ignore a protest petition filed by the de facto complainant. Hence, the impugned order does not suffer from any infirmity and the revision deserves dismissal.

7. Analysis:

(a) I have heard both parties and perused the materials available on record.

(b) At the outset, it is well settled that a statement recorded under Section 161(3) Cr.P.C.,1973, is not admissible evidence at the stage of



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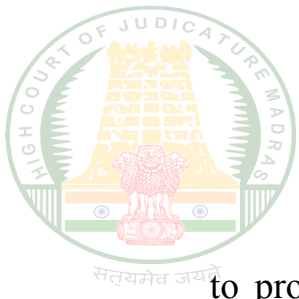
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trial. It can, at best, be used for contradiction under Section 145 of the Indian Evidence Act, 1872. Hence, reliance placed by the petitioner on the said statement to exonerate himself at the stage of cognizance cannot be fully accepted.

(c) However, a careful perusal of the impugned order reveals that the learned Magistrate has not adverted to the specific role of A7/petitioner. The order merely states that the names of the deleted accused are reflected in FIR, complaint, and other records, and hence, the deletion report is rejected. The impugned order does not contain any discussion about the allegations against A7 in particular.

(d) The omission to deal with the case of the petitioner separately, despite his name being deleted in the final report, does indicate non-application of mind. The Magistrate ought to have given specific findings regarding the petitioner's alleged overt act as claimed in the protest petition.

(e) At the same time, as rightly pointed out by the learned Additional Public Prosecutor, when a protest petition is filed, the Magistrate is bound to apply his judicial mind to all materials, including such petition. Once cognizance is taken, the petitioner has an opportunity



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to prove his innocence during the trial. It would not be proper at this stage to embark upon a meticulous appreciation of evidence which is the domain of the Trial Court.

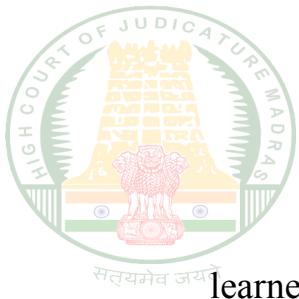
8. In light of the above, two possibilities emerge:

(a) On the one hand, the impugned order suffers from lack of reasoning with respect to the petitioner. Hence, it warrants interference to the extent of remanding the matter back to the Trial Court for fresh consideration.

(b) On the other hand, the presence of a protest petition, which specifically alleges the petitioner's involvement, justifies the Magistrate's action in taking cognizance, leaving the issue of his culpability to be tested in trial.

(c) Balancing both considerations, this Court is of the view that the Magistrate must be directed to pass a reasoned order afresh dealing specifically with the case of A7/petitioner.

9. Accordingly, the impugned order dated 27.06.2025 in Cr.M.P.No.762 of 2024 is set aside. The matter is remanded back to the



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learned Trial Court to pass a fresh order with specific findings as regards the petitioner herein, after considering the protest petition, FIR, complaint, and other connected records. It is made clear that any of the observations in this order will not have any binding effect on the learned Trial Court while deciding the matter afresh.

10. With these directions, this Criminal Revision Petition is disposed of.

06.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional Mahila (JM Level),
Theni.
- 2.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
CrI.R.C.(MD)No.999 of 2025

Dated: 06.08.2025