



Crl.R.C.(MD) No.159 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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: Petitioner

Vs.

1.The State of Tamil Nadu
rep.by the Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

2.Maheswari

3.Palkani

4.Sivan

5.Jeyakumar

6.Roopa

7.Chelladurai Nadar

8.Alagu Ganapathy

9.Gowri

: Respondents

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of B.N.S.S., to call for the records and set aside the order passed by the learned



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Judicial Magistrate, Valliyoor in R.C.S.No.276 of 2024, dated 05.08.2024 and direct the learned Judicial Magistrate to take cognizance of the case.

For Petitioner : Mr.V.Murugesan

For Respondent : Ms.M.Aasha,
Government Advocate (Crl. Side).

ORDER

This Criminal Revision Petition is challenging the order passed in CrI.M.P.No.917 of 2023, dated 05.08.2024 on the file of the learned Judicial Magistrate, Valliyoor, accepting the final report as 'mistake of fact' and thereby closing the FIR.

2.It is not in dispute that the petitioner has lodged a complaint and on that basis, FIR came to be registered in Crime No.76 of 2018 for the offence under Sections 147, 342, 448, 379, 498 of IPC and after investigation, final report came to be filed as 'mistake of fact'.

3.The learned counsel for the petitioner would mainly contend that notice was not issued by the Court to the defacto complainant with regard to the filing of final report as mistake of fact, but in the impugned order itself, the learned



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Magistrate has specifically observed that notice was sent to the defacto complainant in D.No.2021/2024, dated 12.07.2024 and the acknowledgement card received on 23.07.2024 and since the defacto complainant was called absent and that there was no representation, the learned Magistrate has proceeded to accept the final report.

4.Though the petitioner has already been given an opportunity to file protest petition, he has not availed the same and consequently, FIR came to be closed. But at the same time, the petitioner can very well file a private complaint, if so advised. Hence, this Court concludes the Criminal Revision is devoid of merits and the same is liable to be dismissed.

5. In the result, the Criminal Revision Petition is dismissed. The petitioner is at liberty to file a private complaint, if so advised.

05.02.2025

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

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.159 of 2025

05.02.2025