

CrI.R.C.(MD) No.1136 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.02.2025

Delivered on : 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.1136 of 2024

Manimegalai

... Petitioner

Vs.

1.Govindan Chettiar

2.Mayalagu

3.Kalaiselvan,
Sub-Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

4.Alagammal,
Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

... Respondents

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Cr.P.C., to call for the records from the lower Court and set aside the order passed in Cr.M.P.No.1272 of 2023, dated 17.03.2023 on the file of the learned District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.K.Jeyamohan, for R1 and R2.



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Crl.R.C.(MD) No.1136 of 2024

: Mr.Charles Kamalesh, for R4.

: No Appearance for R4.

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1272 of 2023, dated 17.03.2024 on the file of the District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District, dismissing the petition filed under Section 156(3) of Code of Criminal Procedure.

2.The case of the petitioner is that the petitioner/husband was working as a Mason and she was working as servant maid; that there existed a dispute between the petitioner's husband and the first respondent with regard to the payment of wages; that on 09.02.2023, the first respondent way-laid the petitioner's husband and compelled him to finish the balance construction work in his house and accordingly, the petitioner's husband went to the first respondent's house; that the first respondent on that day at about 08.30 am, compelled the petitioner's husband to shift the Aluminum ladder to the upstairs of the building and at that time, the first respondent pushed the said Aluminum ladder into the electrical line passing opposite to his house; that the petitioner's husband and the second respondent suffered electric shock



Crl.R.C.(MD) No.1136 of 2024

and as a result of which, the petitioner's husband fell down with grievous injuries , whereas the second respondent suffered simple injuries; that on hearing the alarm raised by one Seenii @ Srinivasan, neighbours rushed to the spot and secured the petitioner's husband and the second respondent and they were admitted in the Government Hospital, Alangudi; that the petitioner's husband was subsequently admitted in the Government Hospital, Pudukottai; that the petitioner's husband suffered injuries on his chest, abdomen, hands and legs; that he had also taken treatment in a private hospital as inpatient for several months, after he was discharged from the Government Hospital on 18.02.2023, on the influence of the first respondent and his family members; that the petitioner subsequently came to know that in order to avoid the registration of FIR, the first respondent cleverly acted before the police officials and influenced the Government Doctors to discharge the petitioner's husband from the Government Hospital; that despite the complaint to the police authorities, no case was registered; that the petitioner came to know that the respondent gave a false statement before the police as if the matter was compromised between the parties, but no such compromise arrived at between the petitioner and the first respondent; that the petitioner gave a complaint before the fourth respondent on 15.02.2023 and since there was no action, she approached the free legal service authorities on 16.03.2023 and also sent the complaint to the higher police officials, but all the efforts ended



Crl.R.C.(MD) No.1136 of 2024

in vain and that therefore, the petitioner was constrained to lodge a complaint under Section 156(3) of Cr.P.C., before the jurisdictional Magistrate.

3.The learned District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District, taking the petition filed under Section 156(3) of Cr.P.C., on file in Cr.M.P.No.1272 of 2023 and upon perusing the petition and petitioner's affidavit and on hearing the petitioner's side has passed the impugned order, dated 17.03.2023 by holding that it was an accident due to negligence of the petitioner's husband and other respondents and that the complaint does not disclose any cognizable offence, dismissed the petition.

4. Before entering into further discussion, it is necessary to refer the judgment of the Hon'ble Supreme Court in ***M/S Indian Oil Corporation vs M/S NEPC India Ltd., and Others, in Crl.A.No.834 of 2002, dated 20.07.2002***, wherein, the Hon'ble Apex Court has *deprecated* the practice of attempting to settle the civil disputes by applying pressure through criminal prosecution and the relevant passage is extracted hereunder:

“10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of



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Crl.R.C.(MD) No.1136 of 2024

lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged. In G. Sagar Suri vs. State of UP [2000 (2) SCC 636], this Court observed :

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution,



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Crl.R.C.(MD) No.1136 of 2024

being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may.”

5. In ***Mitesh Kumar J Sha vs The State Of Karnataka (Crl.A.No.1285 of 2021, dated 26.10.2021)***, the Hon'ble Supreme Court has reiterated that cloaking a civil dispute with a criminal nature in order to get quicker relief is an abuse of process of law which must be discouraged. Bearing the above legal position on mind, let us consider the case on hand.

6. The learned counsel for the petitioner would submit that the petitioner came to know subsequently that the respondents 1 and 2 with intention to kill the petitioner's husband had dashed the Aluminum ladder towards electrical line and that though the complaint came to be lodged with the jurisdictional police and other higher police officials, they have not chosen to register the case by mechanically alleging that it is a case of



Crl.R.C.(MD) No.1136 of 2024

accident and that the petitioner came to know that due to the pressure exerted by the District Intelligence Police, the respondents 3 and 4 have failed to take any action and that the learned Magistrate, without considering the factual aspects in proper perspective and without conducting any enquiry, dismissed the petition.

7.The learned counsel appearing for the respondents 1 and 2 would submit that it is a clear case of accident, that when the petitioner's husband along with respondents 1 and 2 had lifted the Aluminum ladder and accidentally got touched with the electrical line, as a result of which, they suffered electric shock. He would further submit that the respondents 1 and 2 have also sustained injuries and they have also taken treatment at the Government Hospital.

8.The learned counsel appearing for the fourth respondent would submit that after conducting enquiry, they have come to a decision that the accident was occurred due to the negligence of all three persons including the petitioner's husband and that the petitioner for the reasons best known to her has been attempting to convert the accident case into an attempt to murder case, without any iota of evidence.



CrI.R.C.(MD) No.1136 of 2024

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9.As rightly contended by the learned counsel for the respondents, even according the petitioner that the accident had occurred when the Aluminum ladder was lifted to the upstairs portion. The learned Magistrate, considering the materials available, has observed that the accident came to be occurred due to the negligence of the petitioner's husband and the respondents 1 and 2 and that the petitioner's complaint does not disclose any cognizable offence.

10.Moreover, it is evident from the records that the petitioner in his petition filed under Section 156(3) of Cr.P.C., alleged that she submitted a complaint to the Alangudi Police Station directly on 15.02.2023 and to Superintendent of Police on 16.02.2023 directly and thereafter, she sent complaints to the Legal Services Authority on 16.02.2023 through registered post. As rightly contended by the learned counsel for the respondents, the petitioner has not produced any proof to show that she had submitted complaint to the jurisdictional Police and to the Superintendent of Police directly on 05.02.2023 and 16.02.2023 respectively.

11.It is settled law that in order to make a duly constituted application for invoking the jurisdiction of the learned Judicial Magistrate under Section 156(3) of the CrPC, compliance of subsections (1) & (3) of Section 154 of the

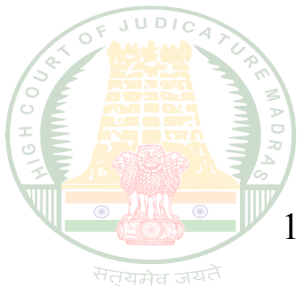


CrI.R.C.(MD) No.1136 of 2024

CrPC would be absolutely necessary and it is sine qua non for making the application maintainable under Section 156(3) of the Cr.P.C.

12. The petitioner before filing the petition under Section 156(3) of Cr.P.C., has to file a complaint before the jurisdictional Police and in case of their failure to register the complaint, he has to approach the Superintendent of Police for the said purpose and even thereafter, if complaint is not registered, then he has to approach the jurisdictional Magistrate.

13. In the case on hand, as already pointed out, according to the petitioner herself, she sent a complaint to the jurisdictional Police directly on 15.02.2023 and then to the Superintendent of Police on 16.02.2023 without giving any breathing time for the jurisdictional Police to take action. The petitioner has produced the copies of postal receipts along with copies of postal acknowledgements sent to the Inspector of Police, Alangudi, Superintendent of Police, Pudukottai District, Office of DGP, Chennai, Taluk Legal Services Authority and Principal District Judge/District Legal Services Authority on 16.02.2023 and hence, it is clear that she sent complaints to the said authorities including the jurisdictional police and the Superintendent of Police simultaneously.



Crl.R.C.(MD) No.1136 of 2024

14.It is not the case of the petitioner that since there was no action from the jurisdictional police, he sent a complaint to the Superintendent of Police.

But on the other hand, she sent the complaint to the Superintendent of Police on the very next day after allegedly submitted a complaint to the jurisdictional Police. Considering the above, this Court has no hesitation to hold that the petitioner has not complied with the mandatory requirements before filing the petition under Section 156(3) of Cr.P.C. Cartridge

15. 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 Criminal Revision is devoid of merits and the same is liable to be dismissed.

16. In the result, the Criminal Revision is dismissed.

11.03.2025

NCC : Yes / No
Index : Yes / No
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Crl.R.C.(MD) No.1136 of 2024

To

- 1.District Munsif cum Judicial Magistrate,
Alangudi, Pudukkottai District.
- 2.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.1136 of 2024

K.MURALI SHANKAR, J.

das

Pre-delivery order made in
Crl.R.C.(MD)No.1136 of 2024

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