



Crl.R.C.(MD).No.578 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

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Beula

... Petitioner

Vs.

1.Babu

2.Satheesh

3.K.Ajithkumar

4.Baskaran Nair

5.Aji Kumar

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the order in Crl.M.P.No.14449 of 2022 passed by the Judicial Magistrate No.I, Padmanabhapuram, dated 16.03.2023.

For Petitioner : Mr.K.P.Narayanakumar

ORDER

The revision petitioner filed the private complaint in Crl.M.P.No.14449 of 2022 on the file of the Judicial Magistrate No.I, Padmanabhapuram with the allegation to take action against the



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respondents.

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2. The case of the petitioner is that one Babu, first respondent borrowed a sum of Rs.8,00,000/- from the petitioner on 14.01.2018 for which he handed over the cheque and the same was dis-honoured. Hence, he filed a suit in O.S.No.222 of 2018 on the file of the Sub Court, Padmanabapuram and the same is pending. In order defeat to get the amount, the first respondent with the help of the remaining accused executed a sale deed in Doc.No.343 of 2018, in which the proposed respondents 2 to 5 made attestation. Since the petitioner has made a complaint before the respondent jurisdiction police and the same was not taken. So. he has filed the private complaint before the above said learned Judicial Magistrate. After considering the facts and circumstances, the learned Judicial Magistrate dismissed the petition stating that the petitioner come to this Court by giving criminal colour to the civil litigation.

3. The learned counsel appearing for the petitioner submitted that when the original sale deed is entrusted with the petitioner on the date of borrowal, in order to defeat his claim, the respondents 1 to 5 conspired together and created a forged document and hence, there is sufficient



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ingredients to initiate the proceedings under Section 200 Cr.P.C.,

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. It is admitted case of the petitioner that he has filed a suit in O.S.No.222 of 2018 on the file of the Sub Court, Padmanabapuram for recovery of the amount. Further, the petitioner succeeded in the above said suit and hence, he is legally entitled to execute the decree even against the subsequent purchaser if the petitioner filed appropriate petition for attachment of property before the appropriate Court. Hence, the learned Judicial Magistrate has rightly held that the petitioner filed this petition by giving criminal colour to the civil litigation.

6. In the said circumstances, this Court does not find any merit to entertain the plea of the petitioner in this Criminal Revision and accordingly, this Criminal Revision Case is dismissed.

11.07.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

trp



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To

1. Judicial Magistrate No.I, Padmanabhapuram,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
CrI.R.C(MD).No.578 of 2023

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