

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.323 of 2013

R.Periasamy

.. Petitioner

Vs.

1.R.Venkatachalam

2.Shanmugavadivu

.. Respondents

PRAYER: Criminal Revision Case filed under section 397 r/w. 401 Cr.P.C against the order passed in Crl.M.P.No.770 of 2013 on the file of the Judicial Magistrate No.II, Coimbatore dated 27.02.2013.

For Petitioner : Mr.K.Madhu

For Respondents : M/s.Ma.P.Thangavel for R1 and R2

ORDER

This Criminal Revision Petition has been filed against the order passed by the learned Judicial Magistrate II, Coimbatore dated 27.02.2013 made in Crl.M.P.No.770 of 2013.

2. It is the case of the prosecution that the revision petitioner and the respondents are brothers and there is a dispute with regard to property. Hence, the revision petitioner filed a private complaint before the Judicial Magistrate No.II, Coimbatore and the same was taken on file in Crl.M.P.No.770 of 2013. The learned trial Judge, after trial, came to the conclusion that since a civil suit is pending between the parties, there is no need to proceed under the criminal law and directed the complainant to approach the civil Court to work out of his remedy and dismissed the petition. Challenging the said order, the petitioner has filed the present revision.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for respondents 1 and 2.

4. The learned counsel for the petitioner submitted that since the respondents abused and threatened the revision petitioner, he lodged a complaint before the Inspector of Police, Saravanampatti Police Station and since no action was taken by the Inspector of Police, the petitioner lodged a private complaint under Section 200 Cr.P.C on the file of the Judicial Magistrate II, Coimbatore. The Court below, without properly appreciating the contents of the

complaint, dismissed the petition filed by the petitioner.

5. Per contra, the learned counsel appearing for the respondents submitted that since the suit for partition is pending in O.S.No.24 of 2013, the learned trial Judge has rightly dismissed the petition.

6. This Court, on a careful consideration of the evidence as well as the order of the Court below, is of the opinion that since the civil suit is pending between the parties, the trial Court has rightly dismissed the petition and this Court cannot interfere with the reasoned order passed by the trial Court.

7. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

gpa

To

1.The Judicial Magistrate No.II, Coimbatore.

2.The Chief Judicial Magistrate, Coimbatore.

1 cc to Mr.K.Madhu , Advocate Sr.No.34815

1 cc to M/s.Ma.P.Thangavel , Advocate Sr.No.34631

Cr1.R.C.No.323 of 2013

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pmk.7.8.2015

सत्यमेव जयते

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