



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2015

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.O.P.(MD)No.23365 of 2014

G.Gurusamy Thevar

... Petitioner

Vs.

1. Meenatchisundaram
2. Panneerselvam
3. Radhakrishnan
4. Kandeepan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records from the lower Court and set aside the order passed by the learned Judicial Magistrate, Rajapalayam in Cr1.M.P.No.6585 of 2014 dated 30.04.2014 and consequently direct the learned Judicial Magistrate to forward the above said petitioner's complaint to the Inspector of Police, Thalavaipuram Police Station, Virudhunagar District under Section 156(3) of Cr.P.C. so as to register an FIR.

For Petitioner : Mr.M.P.Senthil

O R D E R

This Criminal Original Petition is filed challenging the order dated 30.04.2014 passed by the learned Judicial Magistrate, Rajapalayam in Cr1.M.P.No.6585 of 2014.

2. The petitioner's case is that pursuant to a sale agreement with the first respondent, the petitioner had executed a sale deed in favour of the first respondent's representative. On differences arising between them, the first respondent had required the petitioner to cancel the sale deed, but the petitioner had refused to do so. Owing thereto the respondents have forged a promissory note and issued a notice of demand. The petitioner caused a reply informing the correct position and denying the execution of promissory note. The first respondent has proceeded to file a false case. On appreciation of such complaint, the Judicial Magistrate has dismissed the same informing that a direction under Section 156(3) Cr.P.C. as sought for by the petitioner could not be issued and the petitioner would have to await the outcome of the suit.



3. The Court below has observed that if the petitioner was able to establish the falsity of the promissory note in the civil Court, it would be open to him to take recourse to criminal law. We find no error in the order of the Court below. Hence, this Court dismisses the Criminal Original Petition with the observation that it would be appropriate for the concerned civil Court to expeditiously deal with the case and dispose of the same.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Rajapalayam.
2. The Inspector of Police,
Thalavaipuram Bench of Madras High Court, Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.P.Senthil, Advocate Sr.No. 358
akv
AA/14.02.2015/2p- 5c/

Crl.O.P. (MD) No.23365 of 2014
06.01.2015