

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1601 of 2015

ORDER:

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This revision is filed by the complainant challenging the order of the III Additional Judicial Magistrate of First Class, Khammam dated 2.7.2015 whereby the learned Magistrate dismissed the complaint filed against respondents 1 and 2 herein.

Heard and perused the material available on record.

The relevant portion of the impugned docket order passed by the learned Magistrate reads as under:

“Admittedly, as per decree in O.S.324/2012 accused have possession over the property by virtue of a document dt.13.8.1993. If the complainant or her tenant aggrieved by the judgment in OS.324/2012 they can approach the civil Court and contest the proceedings. Until and unless a decision arrived by the civil Court regarding the genuineness of document dt:13.8.1993, only basing on oral statements of complainant and other witnesses this Court could not accept the contention that it was forged document. Similarly if the tenant of complainant is really in possession of the property he is at liberty to implead in OS.No.324/2012 as necessary party and can show his grievance to protect this possession. Only basing on oral statements of complainant and his witnesses this Court is not inclined to initiate criminal proceedings against the accused for alleged offences. In fact the allegations in the complaint appears to be purely Civil in nature. Hence the complaint is devoid of merits. Hence dismissed.”

The impugned order itself speaks in volume regarding the reasons for dismissal of the complaint. Further the said order indicates that the petitioner instead of availing the civil remedy, approached the Court with an intent to proceed against the respondents 1 and 2. Hence, this Court is not inclined to interfere with the impugned order.

In the result, the Criminal Revision Case fails and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

10th February, 2016
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