

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.714 of 2017

D.Krishnamoorthy ... Petitioner/petitioner

//vs//

1. Rangaswamy Pillai

2. Dhanalakshmi ... Respondents/respondents

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to call for the records pertaining to Crl.M.P.No.6451 of 2016 on the file of the learned Judicial Magistrate No.II, Poonamallee and set aside the order dated 10.01.2017 by allowing the revision.

For Petitioner : Mr. K.Balasubramaniam

ORDER

Challenging the order dismissing the petitioner's private complaint filed under Section 203 Cr.P.C, the present Criminal revision has been filed.

2. The petitioner filed a private complaint against the respondent on the ground that the petitioner has purchased a house site from one Sundaraj. Likewise, the respondents herein also purchased some house site opposite to the petitioner's house site. While purchasing the property, the respondents had given some wrong description regarding the road running between their house sites with malafide intention to encroach the petitioner's property and the first respondent had executed a settlement deed in favour of the second respondent. Hence, the petitioner had filed a private complaint, and the Court below dismissed the complaint stating that it is only a civil dispute between the parties and it cannot be construed as an attempt to encroach the petitioner's property. Challenging the same, the present revision has been filed.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record carefully.

4. It is purely civil dispute pending between the parties. If the petitioner has any grievance regarding the boundaries mentioned in the deeds, the petitioner can seek remedy before appropriate forum, and he cannot give a criminal colour to the civil dispute and file a private complaint. The Court below after considering the complaint and sworn statement rightly dismissed the complaint and I find no illegality or irregularity in the order passed by the Court below.

5. With the above observation, this Criminal Revision Case is dismissed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

mrp

To

1.The Judicial Magistrate No.II, Poonamallee.

2.The Chief Judicial Magistrate,
Thiruvallur.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Balasubramaniam, Advocate in sr.no.40122

Cr1.R.C.No.714 of 2017

RV(CO)

NR 22/06/2017

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