

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.06.2017
CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.R.C. No.1226 of 2010

S.P. Arunachalam

.. Petitioner

Vs

S.P. Muthusamy

.. Respondent

Prayer: The Criminal Revision Petition filed under Section 397 r/w.401 of the Criminal Procedure Code, to set aside the order passed in Criminal Miscellaneous Petition in Cr.M.P.No.1363/2009, dated 15.06.2009 on the file of the District Munsif Cum Judicial Magistrate, Perundurai. and set aside the same.

For Petitioner : Mr.E.Duraivaiyapuri

For Respondent : Mr.N. Manokaran

O R D E R

The revision petitioner has come before this Court challenging the Order of the District Munsif cum Judicial Magistrate, Perundurai against the dismissal of the complaint filed by the revision petitioner under section 200 Criminal Procedure Code for taking cognizance for various offences under sections 161, 164, 167, 177, 197, 207, 218, 409 and 420 IPC.

2. The trial court after considering the complaint and also the statement of the revision petitioner, has come to the conclusion that the offences are not made out and also taking note of the civil suits pending between the parties, who are none other than the brothers and also has found that with regard to the documents, suit is already pending between the parties. Whereas the complaint being filed under section 195(1)(b)(II) Cr.P.C. and not complied the procedure under section 340 of Cr.P.C. and cannot take cognizance and hence, dismissed the complaint and as against which the present revision has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. From the arguments of both sides, it is clear that the parties are brothers and the complaint has been filed by one of the brother as against another brother stating that the house tax receipt has allegedly been forged by the respondent while he was working as the President of the Panchayat. It is also not in dispute between both sides that there are three civil suits pending between the parties. Therefore, this Court is of the view that when the civil court come to the conclusion that there is forgery, the question of taking cognizance arise. Therefore, the learned trial Court has rightly analysed the entire aspects and dismissed the private complaint. Therefore, this Court is of the view that the order of the trial do not suffer from illegality or irregularity, warranting interference of this Court and this revision is liable to be dismissed.

5. Accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc /mm

To

1.The District Munsif cum Judicial Magistrate
Perundurai

2.Do-Thro The Chief Judicial Magistrate
Erode

3.The Section Officer
Criminal Section
High Court Madras

+1 cc to Mr.N.Manokaran Advocate sr 44624/17

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