



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2017

CORAM

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD)No.135 of 2015

Sakthi

.. Petitioner/Petitioner

Vs.

1.Karupaiah
2.Veeran
3.Muniyandi

4.The Special Sub Inspector of Police,
Thirupacheti,
Sivagangai District.

... Respondents/Respondents

(R4 is suo motu impleaded as per the order
of this Hon'ble Court, dated 27.03.2015)

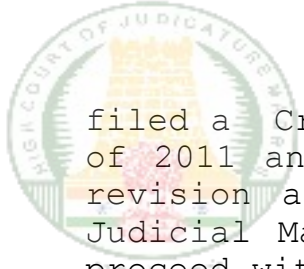
PRAYER: Criminal Revision Case is filed under section 397 and 401 of Cr.P.C to call for the records and set aside the order dated 12.12.2014 passed in Cr.M.P.No.5264 of 2014 on the file of the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, Sivagangai District.

For Petitioner	:	Mr.C.Muthusaravanan
For Respondents 1 to 3	:	No appearance
For R 4	:	Mr.C.Mayilvahana Rajendran Additional Public Prosecutor

ORDER

Challenging the dismissal order passed in the petitioner's application filed under Section 156(3) Cr.P.C, the present Criminal Revision Case is filed.

2.The petitioner has earlier filed a complaint against the respondent herein on the ground that, the respondent has illegally formed a new channel, when the civil suit is pending between the parties regarding sharing of water. When the complaint was not investigated, he filed a petition under section 156(3) of Cr.P.C. That the application was dismissed. Challenging the same, he has



filed a Criminal Revision case before this Court in CrI.R.C.No.460 of 2011 and this Court, by an order dated 29.08.2011, allowed the revision and directed the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai to take the complaint on file and proceed with the same under Section 156(3) Cr.P.C. Based on the order passed by the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, a crime has been registered in Crime No.27/2012. After investigation, the respondent police closed the above complaint as 'mistake of fact'. Thereafter, the petitioner filed a private complaint under Section 200 of Cr.P.C.

3.From the materials available on record, the court below has observed that there are no symptoms of forming of a channel, as stated by the petitioner and dismissed that complaint. Challenging the same, this revision has been filed.

4. I have Heard Mr.C.Muthusaravanan, learned counsel for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor for the fourth respondent and perused the records carefully. Even though notice is served on the private respondents and their names have been printed in the cause list, there is no representation for the respondents 1 to 3.

5.From the perusal of records, it could be seen that a civil suit is pending between the parties in O.S.No.35 of 2004 regarding sharing of water from the water channel. The only allegation is that in the above suit, an Advocate Commissioner was appointed to note down the physical feature of property and he filed a report, but, before the Advocate Commissioner inspecting the property, the petitioner has illegally formed a channel by using heavy earth movers. The learned Judicial Magistrate directed the police to investigate and file a report. It is seen that the police has also investigated. On investigation, it was found that no channel has been formed, as alleged by the petitioner in the tank. In the above circumstances, the Court below, after considering, all the materials available on record, dismissed the petition.

6.I have carefully considered the material available on record and I find no illegality or irregularity in the order passed by the court below. Hence, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar (CrI.side)

/True Copy/

Sub Assistant Registrar



To

1. The Additional District Munsif-cum-Judicial Magistrate,
Manamadurai, Sivagangai District.

2. -do- thro' The Chief Judicial Magistrate,
Sivagangai.

3. The Special Sub Inspector of Police,
Thirupacheti,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.MUTHU SARAVANAN, ADVOCATE IN SR No. 65945

VS/IS

TE/MR-KKR/SAR-I : 01/08/2017 : 3P/6C

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