



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C (MD) No.660 of 2017

P.Rajarithnam

... Petitioner/Complainant

Vs.

1.S.Prema

2.P.S.Kannan

... Respondents/Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records pertaining to the order dated 31.07.2017 passed in C.M.P.No.3834 of 2017 by the Judicial Magistrate No.V, Trichirapalli and set aside the same.

For Petitioner

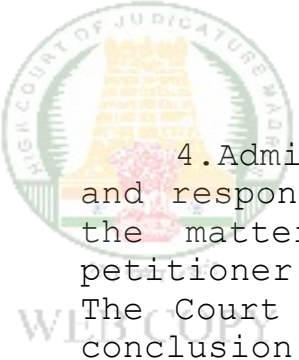
: Mr.K.Sivabalan

ORDER

Challenging the order, dismissing the petitioner's application filed under Section 200 read with 156(3) Cr.P.C., this Criminal Revision Case has been filed.

2.According to the petitioner, there is a civil dispute between the petitioner and respondents and due to that a suit for partition was filed by the respondents and the same was allowed. Against which, the petitioner has filed A.S.No.92 of 2016 on the file of this Court, in which, this Court passed an order of *status quo* in CMP No.6000 of 2016. Despite the same, the respondents trespassed into the property of the petitioner and interfered with his peaceful possession and enjoyment and also abused him with filthy language. Hence he has given a complaint before the police. Since the complaint was not considered by the police, he filed a complaint under Section 156(3) Cr.P.C., before the Court below, seeking a direction to the Judicial Magistrate to register the complaint. The Court below dismissed the application. Challenging the same, the present Criminal Revision Case has been filed.

<https://hcservices.ecourts.gov.in/Hcservices/> I have heard Mr.K.Sivabalan learned counsel for the petitioner and perused the records carefully.



4. Admittedly, there is a civil dispute between the petitioner and respondents and this Court passed an order of *status quo* and the matter is pending. Even in the complaint filed by the petitioner it is stated that some unknown persons have abused him. The Court below has considered all those facts and come to the conclusion that the complaint did not make any *prima facie* case and dismissed the petition.

5. I have carefully gone through the records and I find no illegality or irregularity in the order passed by the Court below. Hence, this Criminal Revision Case deserves to be dismissed.

6. In fine, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (cs-ii)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.V, Trichirapalli.

+ 1 CC TO MR.K.Sivabalan, ADVOCATE IN SR No. 73709

mj

MK/MR KKR/SAR-1/13.09.2017/2P/3C

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