



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

WEB COPY

Cr1.R.C.(MD)No.688 of 2017

M/s.Shar Theme Park (P) Ltd.
Rep.by its Managing Director,
N.V.S.Anandan,
Anna Nagar Thennur,
Thiruchirapalli-17.

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
District Crime Branch,
Subramaniapuram,
Tiruchirapalli-620 020.

2.K.Rajendran

3.T.Ramesh

4.S.Devi

5.R.Prabu

6.P.G.Thomas @ Chennai Achan

... Respondents

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to allow this Criminal Revision Case by setting aside the order made in Cr1.M.P.No.2457 of 2017 in C.C.Sr.No.3826 of 2017, dated 26.07.2017 on the file of the Judicial Magistrate No.I, Tiruchirapalli.

For Petitioner : Mr.J.John

For R1 : Mr.C.Mayil Vagana Rajendran, APP.

ORDER

The petitioner has filed this petition to set aside the order dated 26.07.2017 made in Cr1.M.P.No.2457 of 2017 in C.C.Sr.No.3826 of 2017 by the learned Judicial Magistrate No.I, Tiruchirapalli.

2.The learned counsel for the petitioner is present.
<https://hservices.madras.gov.in/hservices/>
Mr.C.Mayil Vagana Rajendran, Additional Public Prosecutor takes notice for R1.



3.The respondents 2 to 6 were shown as accused in the complaint preferred by the petitioner herein, before the learned Judicial Magistrate No.I, Tiruchirapalli.

4.The learned counsel for the petitioner submitted that the petitioner has given a complaint under the offence of Land Grabbing before the 1st respondent herein and it was enquired and closed by the 1st respondent herein. Against the closure report, the petitioner filed a private complaint before the learned Judicial Magistrate No.I, Tiruchirapalli and the petitioner was also examined and it was posted for further enquiry under Section 202 of Cr.P.C. But the said complaint was returned by the concerned Court on 24.06.2017 under Section 201 of Cr.P.C. by passing an order observing that the Court is not having the jurisdiction in respect of the complaint given by the petitioner, since the alleged offences are not taken place within its jurisdiction. Again, impugned order was passed on 26.07.2017, complaint was returned under Section 201 Cr.P.C. since this Court has no pecuniary jurisdiction to try the case. Aggrieved by that order, present revision is filed by the petitioner/complainant.

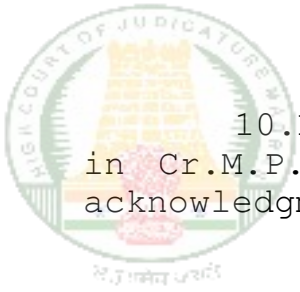
5.The learned counsel for the petitioner has also referred a decision reported in 2014 (2) SCC 246 (*Devendra Kishanlal Dagala Vs. Dwarkesh Diamonds (P)Ltd and others*). He further contended that after recording the sworn statement of the complainant and after taking cognizance, the learned Magistrate has no power at all to return the complaint in terms of Section 201 Cr.P.C.

6.The learned counsel for the petitioner further submitted that the Court below has taken the complaint and examined the petitioner and thereafter, the complaint was returned for want of jurisdiction and such return is not sustainable in law, since closure report was filed before that Court by the respondent.

7.The learned Additional Public Prosecutor appearing for R1 has also submitted that impugned order with regard to the return of the complaint by the concerned Court for want of jurisdiction is not sustainable after receipt of the closure report from the first respondent.

8.In respect of the criminal matters, there is no question of pecuniary jurisdiction.

9.Considering the facts and circumstances of the case, this Court is inclined to allow this Criminal Revision by setting aside the order dated 26.07.2017 passed in CrI.M.P.No.2457 of 2017 by the learned Judicial Magistrate No.I, Tiruchirapalli, directing the learned Judicial Magistrate to proceed the case in accordance with law.



10. Registry is directed to return the original proceedings in Cr.M.P.No.2457 of 2017 to the Revision Petitioner on proper acknowledgment for re-submission to the concerned Court.

Sd/-

Assistant Registrar (CS-III)

/True copy/

WEB COPY

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tiruchirapalli.

2. The Deputy Superintendent of Police,
District Crime Branch,
Subramaniapuram,
Tiruchirapalli-620 020.

+1cc to Mr.G.JEREMIAH, Advocate, SR.88392

Cr1.R.C. (MD) No.688 of 2017
21.11.2017

GNS

KK/SV MMS/SAR 3/05.12.2017/ 3P- 4C/