



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

CrI.R.C.(MD) No.631 of 2013

S.Sheik Abdul Kadher ... Petitioner/Complainant  
Vs.

1.I.Harun Nazar Shah  
2.S.Niyas ... Respondents/Accused

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District in Cr.M.P.No.3970 of 2013 vide his order dated 18.07.2013 and set aside the same and consequently direct the above said learned Judicial Magistrate to forward the petitioner's complaint to the Inspector of Police, City Crime Branch, Tirunelveli City under Section 156(3) of Cr.P.C so as to register an FIR.

For Petitioner : Mr.R.Anand

For Respondents : No appearance

**ORDER**

Aggrieved by the dismissal of the petitioner's application filed under Section 156(3) Cr.P.C, the present Criminal Revision Case has been filed.

2.According to the petitioner, earlier, he has given a complaint before the Superintendent of Police, Tirunelveli on 04.05.2013, alleging that the first respondent herein have created a forged receipt as if the first respondent has paid a sum of Rs.20 lakhs to the petitioner herein and marked the same before the Civil Court in O.S.No.182 of 2013, filed by the first respondent on the file of the I Additional District Munsif Court, Tirunelveli, and thereby committed forgery. Since no action has been taken on the said complaint, the petitioner has filed a petition under Section 156(3) Cr.P.C seeking for a direction to the learned Judicial Magistrate to direct the police to register a complaint against the respondents. The Court below has dismissed the said petition. Challenging the same, the present Criminal



3. Heard Mr.R.Anand, learned counsel for the petitioner and perused the materials available on record.

4. From the perusal of the petition filed by the petitioner, it could be seen that the petitioner has made allegation that the first respondent herein created a forged receipt as if the first respondent has paid a sum of Rs.20 lakhs to the petitioner herein and marked the same before the Civil Court in O.S.No.182 of 2013 filed by the first respondent on the file of the I Additional District Munsif Court, Tirunelveli. In the above suit, a similar plea was raised, and on his petition, the Civil Court sent the above receipt for comparison by an hand writing expert and the matter is still pending before the Civil Court. Since, the Civil Court is now seized of the matter and the said receipt has also been sent for getting expert opinion. If at all, the Civil Court has given any finding that the receipt is forged one, the petitioner can approach the competent forum seeking appropriate relief. In the above circumstances, I find no infirmity or irregularity in the order passed by the Court below. Accordingly, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,  
Tirunelveli, Tirunelveli District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Sms

AE/JC/SAR3/29.08.2017/2P/3C

Cr1.R.C.(MD) No.631 of 2013  
31.07.2017