



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD)No.869 of 2013

WEB COPY

Packiyalakshmi

... Petitioner

Vs

1.Periyasamy
2.G.Selvaraju
3.V.Chinnasamy
4.P.Chandrasekar
5.S.P.Sakthivel
6.P.Ramasamy Goundar
7.C.Kandhasamy
8.N.Velusamy
9.M.S.Panneerselvam
10.T.R.Kandhasamy
11.C.Easwari
12.G.Sellaiyan
13.P.Vijayalakshmi
14.R.Lakshmi
15.P.Sengappan
16.T.Baskaran
17.S.Manimegalai
18.R.Selvaraj
19.C.Nandhagopal
20.V.Shanmugasundaram
21.T.R.Kuppusamy
22.K.Rajamani
23.D.Asirvadam
24.K.Ramesh
25.G.Ayyammal

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 to set aside the order dated 30.09.2013 passed in CMP No.5668 of 2012 by the Judicial Magistrate No.I, Karur.

For Petitioner	: Mr.RM.Sivakumar
For RR - 1 & 2	: Mr.Jana @ B.Janath Ahmed
For R - 3	: Mr.V.Balaji
For RR - 4, 5, 7, 8 10,12,14,15,20,22,24 11,21,25,6,9,13,17 18 & 23	: No appearance

**ORDER**

This Criminal Revision Case has been filed challenging the dismissal order passed in the private complaint filed by the petitioner under Section 203 Cr.P.C.

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2.The respondents/accused are said to have partners/shareholders of a finance company. The petitioner has given a private complaint against the respondents stating that the petitioner's husband has borrowed a sum of Rs.3,50,000/- from the first accused, for which, the petitioner has mortgaged her house site as security and given some pronotes, blank cheques and other documents. Subsequently, at the instigation of the first respondent, the petitioner has executed a power of attorney deed dated 26.11.2007 in favour of the second respondent in respect of the above mortgaged house site. In the meantime, the petitioner has paid part of the loan amount. But, the second respondent, by using the power of attorney, executed a sale agreement in favour of the respondent and thereafter, cancelled the same and executed a sale deed in favour of the respondent. The first respondent, in turn, executed a sale deed in favour of the third respondent. In the above circumstances, the respondents, who are stated to be the partners/shareholders of the above finance company, committed the offence punishable under Sections 120(b), 147, 148, 420, 406, 464, 506(ii) IPC. The complaint lodged by the petitioner has been dismissed by the Court below under Section 203 Cr.P.C., on the ground that it is purely a civil dispute and if at all the petitioner is having any grievance, she can institute a civil suit and no *prima facie* material is available on record to take cognizance for any of the offence. Challenging the same, the present Criminal Revision Case has been filed.

3.Heard Mr.RM.Sivakumar, learned counsel appearing for the petitioner; Mr.Jana @ B.Janath Ahmed learned counsel appearing for the respondents 1 and 2 and Mr.V.Balaji, learned counsel for the third respondent.

4.Admittedly the petitioner's husband has borrowed some amount from the first respondent and he has also executed a power of attorney in favour of the second respondent and by using the above power of attorney deed, the second respondent is said to have sold the property to the first respondent. Thereafter, the first respondent has sold the property in favour of the third respondent.

5.The contention of the petitioner is that she discharged a part of loan amount, if it is so, nothing prevents the petitioner from cancelling the power of attorney. Admittedly, the sale deed has been executed, when the power of attorney was in force. It is not known whether the petitioner has discharged the loan amount to the second respondent or the amount is due. If at all the accused have fraudulently executed the sale deed without the knowledge of the petitioner, it is for her to approach the civil Court, seeking



appropriate remedy.

6.As rightly held by the Court below, the dispute is purely civil in nature and there is no *prima facie* material available on record to proceed against the respondents. I find no irregularity or illegality in the order passed by the Court below and hence, the present Criminal Revision Case deserves to be dismissed.

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

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.I, Karur.
- 2.-DO-Thro' Chief Judicial Magistrate, Karur.

+1cc to Mr.V.BALAJI Advocate in SR. NO.70372

+1cc to Mr.JANA @ JANATH AHMED Advocate in SR. No.70529

+1cc to Mr.R.M.SIVAKUMAR Advocate in SR. No.69985

MJ

JS/MR.KKR/SAR.1/23.08.2017/ 3P-6C

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