



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 25.07.2017**

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**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**

Cr1.R.C.(MD).No.891 of 2013

Thirumalai Balamurugan

... Petitioner

-Vs-

1.S.Devaraj

2.K.P.Sankarapandian

3.G.Thiruvengadam

4.M.Balaji

5.D.Chandrasekaran

... Respondents

**Prayer :** Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, against the order passed in Cr.M.P.No.179 of 2013 dated 13.05.2013 on the file of Special Court for Land Grabbing case, Tirunelveli.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.R.Anand

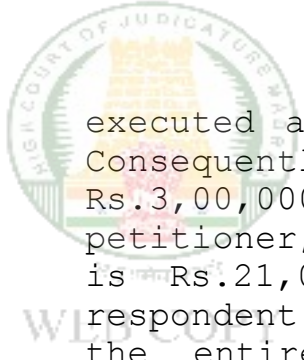
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### **ORDER**

Challenging the dismissal order passed in a petition, filed under Section 156(3) Cr.P.C, the present Criminal Revision Case has been filed.

2. The case of the petitioner is brief as follows:

2.1. During the year 2011, the petitioner has borrowed a sum of Rs.2,00,000/- (Rupees Two Lakhs only) from the first respondent herein and paid interest at the rate of 7% for two months. Thereafter, he has further borrowed a further sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only), at the rate of 5% interest. At the time of giving loan, the first respondent obtained the original sale deeds of two house properties, belonging to the petitioner and also obtained his signatures in some blank stamp papers as a security. Since the petitioner has failed to repay the loan, the first respondent along with the petitioner went to the Sub-Registrar Office, Palayamkottai and



executed a sale deed, where the petitioner put his signatures. Consequently, the first respondent added a further sum of Rs.3,00,000/- (Rupees three lakhs only) to the loan credit of the petitioner, being the registration expenses. Thus, the total due is Rs.21,00,000/- (Rupees Twenty One Lakhs only). The first respondent also informed the petitioner that as soon as he repaid the entire loan, the property would be re-conveyed to the petitioner.

2.2. Subsequently, during the year 2012, when the petitioner was ready to repay the entire loan amount, he requested the first respondent to reconvey the property after payment of entire dues of the loan. But the first respondent refused to do so. Hence, the petitioner has given a police complaint. Since no action was taken, the petitioner has filed this petition under Section 156(3) on the file of Special Court for Land Grabbing case, Tirunelveli. After considering the entire materials available on record, the learned Special Judge, dismissed the petition stating that there is no prima facie case to forward the complaint. Challenging the same, the present Criminal Revision Petition has been filed.

3. Heard Mr.M.Suresh, learned counsel appearing for the petitioner and R.Anand, learned counsel appearing for the respondents.

4. On perusal of the complaint filed by the petitioner, it is seen that the petitioner borrowed a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only). Since the petitioner failed to repay the loan amount, as per the condition, the petitioner himself went to the Registrar Office, Palayamkottai to execute a sale deed in favour of the first respondent. Subsequently, by adding another sum of Rs.3,00,000/- towards registration fees, with the above amount, the first respondent raised the loan amount to Rs.21,00,000/- (Rupees Twenty One Lakhs only), with interest. The only allegation is that at the time of execution of the sale deed, the first respondent promised that as soon as the petitioner discharged the loan, the property would be re-conveyed. Now, there is no material on record to show that the first respondent promised the petitioner to re-convey the property, as soon the entire loan was discharged.

5. Since it is a dispute regarding the payment, the petitioner is directed to approach the Civil Court seeking remedy. He could not file a Criminal complaint before the Court below. Considering the same, the court below has rightly dismissed the petition filed by the petitioner under Section 156(3) Cr.P.C. Hence, I find no illegality or irregularity in the order passed by the Court below. Therefore, this Criminal Revision Petition is liable to be dismissed.



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6. Accordingly, this Criminal Revision Petition is dismissed.

Sd/-  
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

The Special Court for Land Grabbing case,  
Tirunelveli.

Sm/km  
AE/KP/SAR3/09.08.2017/3P/2C

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