

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.847 of 2013

K.Vijaya lakshmi

...Petitioner/Petitioner

Vs.

1. G.Ganeshan
2. S.Sunderam
3. S. Vasudevan
4. P.Ravi
5. M.Venkatash
6. Mageshwari

...Respondents/Respondents

Prayer: This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to direct the Inspector of Police, Salem to register the case against 1-6 respondents under Sections 120(B), 406, 420 and 465 IPC and set aside the order in C.M.P.1970/2013 passed by the learned Judicial Magistrate II, Salem, dated 21.03.2013.

For Petitioner : Mrs.C. Sangamithirai

For Respondents : Notice not sent

O R D E R

This Criminal Revision has been filed to direct the Inspector of Police, Salem to register the case against 1-6 respondents under Sections 120B, 406, 420 and 465 IPC and set aside the order in C.M.P.1970 of 2013 passed by the Judicial Magistrate II, Salem, dated 21.03.2013.

2. The Revision Petitioner filed a complaint under Section 200 Cr.P.C. before the learned Judicial Magistrate II, Salem, stating that the respondents have committed the offence under Sections 120(b), 406, 420 and 465 IPC. The learned Judicial Magistrate, after full pledged trial and perusal of the documents, found that there is no prima facie case made out against the respondents and hence, dismissed the case under Section 203 of Cr.P.C. by an order dated 21.03.2013.

3. As against the order dated 21.03.2013, the petitioner has preferred the present Criminal Revision before this Court.

4. The learned counsel for the petitioner would submit that the petitioner is running a primary school in their property. The respondents have involved in a criminal activity to grab the land of the petitioner purposely. They created encumbrance of the scheduled property and committed cheating. Also the Power of Attorney has been obtained forcefully from the petitioner. Hence, the petitioner approached the learned District Munsif Court against the respondents for permanent injunction in O.S.No. 513 of 2012. But, the petitioner got temporary injunction in I.A.No.709 of 2012 dated 20.07.2012.

5. Further, the learned counsel submitted that the respondents joined together and with an intention to cheat and fraud, they criminally intimidated and granted loan and disturbed the petitioner by hindering her to run the school. Hence, she lodged a complaint in the police station. But, the Inspector of Police did not take any action. Subsequently, she filed a private complaint against the respondents in C.M.P. No.1970 of 2013 under Section 200 Cr.P.C. before the learned Judicial Magistrate II, Salem. The learned Magistrate failed to appreciate the allegation levelled against the respondent and dismissed the petition which warrants interference.

6. Heard the rival submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

7. This Court had directed the petitioner to send notice to the respondents. It is not known whether the respondents have received any of the notice sent by this Court or by private. Even though the petitioner has not taken any steps to proceed further, the learned Magistrate perused the records and order passed by the learned Magistrate in C.M.P. No. 1970 of 2013 dated 21.03.2013.

8. On a perusal of entire records, it is seen that the dispute regarding the petitioner is civil in nature and also the learned counsel for the petitioner stated that she has already filed civil suit and got an injunction. Since already the civil dispute is pending, there is no prima facie case made out

against the respondents. Hence, the learned Magistrate dismissed the petition filed by the petitioner. This Court does not find any reason to interfere with the order passed by the learned Magistrate. There is no merit in the revision. Hence, the Criminal Revision case is dismissed.

Sd/-
Assistant Registrar

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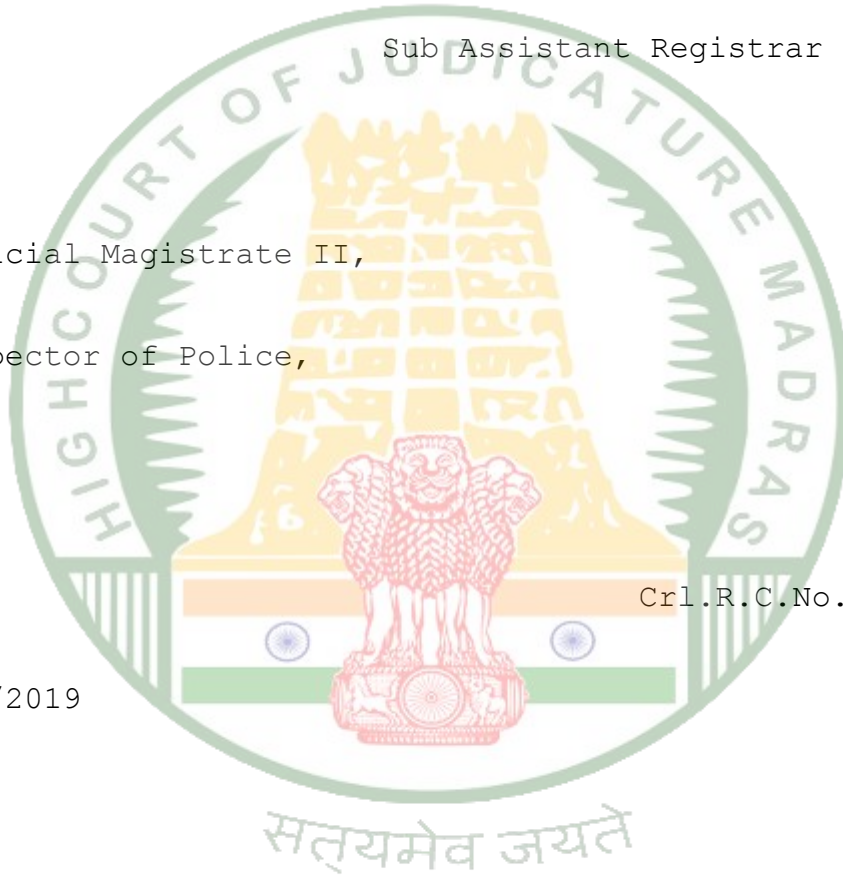
Sub Assistant Registrar

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To

- 1.The Judicial Magistrate II,
Salem.
- 2.The Inspector of Police,
Salem.

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srg 18/03/2019

Cr1.R.C.No.847 of 2013



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