

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Criminal Revision Case Nos.1799 and 1825 of 2011

S.M.Deenadayalan ... Petitioner in both Crl.RCs.

..Vs..

M.Lakshmi ... Respondent in
Crl.RC.No.1799 of 2011

Kadumbadi ... Respondent in
Crl.RC.No.1825 of 2011

COMMON PRAYER: Criminal Revision Petitions filed under Section 397 read with 401 of the Criminal Procedure Code, against the order dated 19.09.2011, passed in Crl.M.P.Nos.3759 and 3760 of 2011 respectively by the learned VII Metropolitan Magistrate, George Town, Chennai dismissing the private complaint filed by the petitioner for offence U/s.499 IPC punishable U/s. 500 IPC U/s.203 Cr.P.C. and to set aside the order of dismissal of private complaint U/s.203 Cr.P.C.

For Petitioner : Mr.V.Sridharan

For Respondent : No appearance

C O M M O N O R D E R

These two Criminal Revision Cases are filed by the petitioner aggrieved over the dismissal of two private complaints filed by him against the accused persons under Section 203 Crl.P.C. The complaints were filed by the petitioner on the ground that the accused persons, who were tenants in the property had made wild allegations against the petitioner, who was an advocate receiver appointed by this Court. These allegations were made against the petitioner in the applications filed by those two tenants for removing of the petitioners as advocate receiver. Admittedly, the applications filed for removal of advocate receiver is still pending adjudication. The truth or otherwise of the allegations made by the accused persons will become a subject matter of consideration by the Court, where the allegations are pending adjudication. The allegations made by the accused persons

cannot be parallelly considered by the Criminal Court in the deformation proceedings. In other words, no cause of action has arisen for the petitioner to file the present complaint.

2.If ultimately, the Court before which the petition is filed to remove the Advocate receiver comes to a final conclusion on the petition filed by the accused persons and finds no basis for the allegations made by the accused petitioners, the petitioner can thereafter workout his remedies. Till then, the petitioner cannot maintain a separate complaint on the ground of defamation.

3.The trial Court properly exercised it's jurisdiction in rejecting the complaints filed by the petitioners. This Court does not find any ground to interfere with the order. Accordingly, these Criminal Revision Cases are dismissed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Public Prosecutor
High Court, Madras 104

सत्यमेव जयते

Cr1. RC. Nos.1799 and 1825 of 2011

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