



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C. (MD) No.189 of 2018

Fathima Marry Thangam : Petitioner / Complainant

-Vs.-

1.Singarajan
2.Valliyammai
3.Rayappan

: Respondents / Proposed Accused

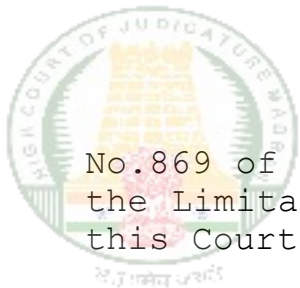
Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to call for the records in C.M.P.No.1290 of 2014 on the file of the learned Judicial Magistrate No.I, Nagercoil dated 14.11.2014 by allowing this revision.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.M.Gururaj

O R D E R

Fathima Marry Thangam filed a private complaint in C.M.P.No.1290 of 2014 before the learned Judicial Magistrate No.I, Nagercoil, against her brother (A1) and two others. It is the case of Fathima Marry Thangam that the land in Survey Nos.424 /2 , 429/10 and 424 /1 originally belonged to her paternal grand father, namely, Swaminathan Nadar. After the death of Swaminathan Nadar, the properties devolved on his only son, Mickel Nadar. Mickel Nadar and his wife Annammal have three children, namely, Fathima Marry Thangam, Maria Nesam, Krishtinammal and Singarajan. Mickel Nadar and his wife Annammal died sometime in the year 1985. In the private complaint, it is alleged by Fathima Marry Thangam that her brother Singarajan had sold the joint family properties to Valliyammai [A2] and Rayappan [A3] by sale deeds dated 27.09.1990, 04.01.1990 and 10.01.1996. The trial Court recorded the sworn statement of the complainant and dismissed the complaint under Section 203 Cr.P.C., on 14.11.2014. Aggrieved by the said order, the complainant filed the present Criminal Revision Case with a huge delay of 344 days. The complainant filed M.P.(MD)



No.869 of 2016 in CrI.R.C.(MD)No.SR3204 of 2016 under Section 5 of the Limitation Act for condonation of delay of 344 days, in which, this Court has allowed and condoned the delay.

2. Coming to the merits of the main Revision Case, it is seen that Singarajan [A1] is not a stranger, but her own elder brother of the complainant. Singarajan [A1] in the sale deeds has stated that he is absolute owner of the lands and on that score, he sold the properties to Valliyammai [A2] and Rayappan [A3], for the sale, that is made in the year 1990 and 1996. But, the private complaint has been filed 18 years later.

3. This Court does not find any infirmity in the order passed by the trial Court warranting interference. Hence, this Criminal Revision Case is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Nagercoil.

+ 1 cc TO Mr.M.Suresh , Advocate in SR No. 58628

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AE/SV MMS/SAR4/11.04.2018/2P/3C

Order made in
CrI.R.C.(MD)No.189 of 2018
Dated:**26.03.2018**