



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD)No.5 of 2018

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Shanmugaiah

: Petitioner

Vs.

1.The Inspector of Police,
Puliyangudi Police Station,
Kadayanallur Taluk,
Tirunelveli District.

:Ist Respondent

2.Thangasamy

3.Pitchaithai

4.Muthuramalingam

5.Esakkimuthu Pandian

6.Paulsamy

7.Prabhu Solomon

: Respondent 2 to 7/ Accused No 1 to 6

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the order dated 10.04.2017 passed in Cr.M.P.No.1626 of 2017 on the file of the Judicial Magistrate Court, Sivagiri.

For Petitioner

: Mr.T.Indrachithu

For Respondent No.1

: Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor

ORDER

The petitioner filed a petition before the learned Judicial Magistrate, Sivagiri, in Cr.M.P.No.1626 of 2017 under Section 156 (3) of the Code of Criminal Procedure against the respondents 2 to 7/accused making certain allegations against them and praying for a direction to the Police to register an FIR. The learned Magistrate, by the impugned order dated 10.04.2017, has dismissed the petition, aggrieved by which, the petitioner is before this Court.

2. The learned counsel for the petitioner submitted that the complaint petition given by the petitioner does disclose the commission of cognizable offence, but, whereas, the learned Magistrate has dismissed the same on the ground that the dispute



3. This Court also perused the complaint petition in Cr.M.P.No.1626 of 2017 and this Court is of the view that the dispute apparently appears to be civil in nature and, therefore, the order of the learned Magistrate does not warrant interference.

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4. In *Mrs.Priyanka Srivatsava vs. State of U.P.* [2015 (4) Scale 120], the Supreme Court has laid down the parameters for entertaining a petition under Section 156(3) of the Code of Criminal Procedure and the case at hand does not pass muster the law laid down therein.

5. In the result, this Criminal Revision Case is dismissed with liberty to the petitioner to work out his remedies in the manner known to law.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate Court,
Sivagiri,Tirunelveli District.

2.The Inspector of Police,
Puliyangudi Police Station,
Kadayanallur Taluk,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C.(MD)No.5 of 2018

Dated: 05.01.2018

SML

KK/SV MMS/SAR2/25.01.2018/ 2P- 4C/