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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.08.2018

DELIVERED ON : 31.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C (MD) No.488 of 2018

V.Natarajan : Petitioner

Vs.

- 1.Parakkathullah,
Inspector of Police (L&O),
Sivagangai District.
- 2.Jegatheesan,
Sub-Inspector of Police (L&O),
Thiruppuvanam Police Station,
Sivagangai District.
- 3.Ramakrishnan,
Revenue Divisional Officer,
Thiruppuvanam,
Sivagangai District.
- 4.Nagenthira Murugan,
Revenue Inspector,
Thiruppuvanam,
Sivagangai District.
- 5.Thillaivadivel Kuzhali,
Village Administrative Officer,
Thiruppuvanam,
Sivagangai District.

6.Eswaran

7.Vairavan

8.Arumugam : Respondents

PRAYER: Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for <https://hcservices.mca.gov.in/hcservices/> impugned order, dated 16.07.2018 passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Crl.M.P.No.900 of 2017 and set aside the same and



allow the revision petition.

For Petitioner

: Mr.D.Anbarasu

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ORDER

This Criminal Revision Case is directed against the order dated 16.07.2018, passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai, in CrI.M.P.No.900 of 2017, dismissing the private complaint of the revision petitioner as devoid of merit.

2.The claim of the revision petitioner is that he entered into a sale agreement with one Mariammal on 01.04.2014, paid advance of Rs.6,00,000/- and took possession of the property. While so, one Velmurugan had entered into a sale deed with the said Mariammal and got the property registered in his name on 27.05.2015. Thereafter, he had broke open the premises with the help of rowdy elements and in connivance with the Inspector of Police, Thiruppuvanam Police Station, based on the direction given by the High Court in CrI.O.P(MD)No.32 of 2016. The order of the High Court is only an interim protection granted to Velmurugan, if he was in possession of the property. Whereas though Velmurugan was not in possession of the property, in the garb of the order passed by the High Court he has broke open the lock, removed all valuables inside the house and taken illegal possession of the house with the help of police and anti-social elements on 13.01.2016. Immediately, he lodged a complaint against the trespassers, who have been shown as respondents herein. Since no action was taken on his complaint, he approached the High Court for registering his complaint, based on the order passed by the Judicial Magistrate in the petition filed under Section 156(3) Cr.P.C. The said CrI.O.P(MD)No.16 of 2017 was withdrawn. Later another CrI.O.P(MD)No.2853 of 2017 was filed for change of investigation in Crime No.62 of 2017. This Court on 15.03.2017, taking note of the fact that the respondent has completed the investigation and filed referred charge sheet, CrI.O.P(MD)No.2853 of 2017 was disposed of on 15.03.2017, with liberty to work out his remedy in the manner known to law. The private complaint filed by him has been dismissed by the Trial Court after examining four witnesses on the side of the revision petitioner/de facto complainant.

3.Aggrieved by the same, the present revision petition is filed alleging that while accused 1 to 8 have taken law into their hands and without any civil Court's order, simply broke open the petitioner's house and took possession, is illegal and improper. Though ample evidence is available to prosecute them, the police have not taken any action upon his complaint. Therefore, on the direction of the High Court, he has filed the private complaint against the respondents. The Trial Court unmindful of the material evidence



against the respondent, has dismissed the petition. Hence, it has to be set aside.

4. Perusal of the records reveals that the petitioner herein, though advanced Rs.6 lakhs to the erstwhile land owner Mariammal, had failed to fulfil the terms of the contract and therefore, she with the consent of the revision petitioner has sold the property to Velmurugan and got it registered on 27.05.2015. In order to extract money, being the President of the Panchayat Union, with the help of some Advocates, he forcefully trespassed into the land, abused Arumugam, the father-in-law of Velmurugan and threatened him of dire consequences to his life. Therefore, Velmurugan had approached this Court in CrI.O.P(MD)No.32 of 2016, wherein this Court on 06.01.2016, had directed the police to give interim protection and also to take action against three Advocates, whose name board fixed in the premises. While facts being so, the revision petitioner again approached the High Court for change of investigation. That was dismissed by this Court recording filing of referred charge sheet. Thereafter, he has preferred a private complaint, which was dismissed by the Trial Court, rightly. The said order is challenged in the revision petition. Though there is no merit in his case and no material evidence to substantiate his complaint available, he tries to keep the matter alive so as to make out money from Natarajan illegally.

5. A perusal of the records and the impugned order would also go to show that the original owner is Mariammal and she had sold the property to one Velmurugan. The property is also registered in the name of Velmurugan. The allegation of the revision petitioner Natarajan is that he entered into an agreement with Mariammal on 01.04.2014 and paid advance of Rs.6 lakhs. The possession was handed over to him. However, the investigation has clearly established that the revision petitioner Natarajan though entered into an agreement in the year 2004, had failed to get the agreement completed by paying the balance sale consideration. Therefore, Mariammal has sold the property to Velmurugan and put him in possession. Knowing that Natarajan has gathered muscle power and tried to trespass into the land. That has been brought to the notice of the High Court and High Court has taken serious view about and ordered police protection to Velmurugan. Since the revision petitioner and his henchmen have illegally put lock, the police and the revenue officials who are arrayed as respondents herein, had broken it and handed over possession to Arumugam, the father-in-law of Velmurugan, who is the title holder of the property. In the said circumstances, when the revision petitioner herein neither proved his possession nor title, merely on the basis of an expired agreement and with the help of some learned advocates, had tried to grab the property. But for the timely intervention of this Court, he would have illegally occupied the premises. Now, having his ulterior intention been aborted, he is trying to create record so as to accuse the respondents, who have

enforced the law as per the High Court direction.

6.If at all the revision petitioner has any grievance, it can only be against Mariammal, who has alledgedly received advance of Rs.6 lakhs from him. He cannot try to take away the property by paying a part amount, which is unknown to law. The Court cannot be a party to such illegal design, while the police in its investigation as well as the Magistrate after examining the witnesses in the private complaint, have concurrently arrived at a conclusion that it is a mistake of fact and no criminality has been made against the respondents. The reasoning given by the Trial Court is in accordance with law and no illegality or irregularity could be made out. Therefore, this Court finds that this revision petition is not only devoid of merit, but filed with an ulterior motive to abuse the process of Court. Hence, this Criminal Revision Case is dismissed with cost of Rs.10,000/- (Rupees ten thousand only) and the same shall be paid by the revision petitioner to High Court Legal Service Authority attached to this Bench.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Additional District Munsif cum Judicial Magistrate,
Manamadurai.

2.The Officer Incharge,
High Court Legal Authority,
Madurai Bench Of Madras High Court,
Madurai.

+1CC TO MR.D.ANBARASU ADVOCATE IN S.R,.NO.81879.

SMN

DS RP SAR-4 01.10.2018 4P/4C

ORDER MADE IN
Crl.R.C (MD) No.488 of 2018
31.08.2018