

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.02.2018****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Cr1.R.C. (MD) No.260 of 2013**

A.Mallika ...Petitioner / Complainant

vs.

1.M.Ramani
2.P.Semasekara Rajan
3.Balasubramanian
4.Sasikala
5.Manoranjitham
6.R.Shamugam
7.R.Ramamoorthi
8.R.Baskaran @ Murugiah
9.R.Thangamani

... Respondents/Respondents

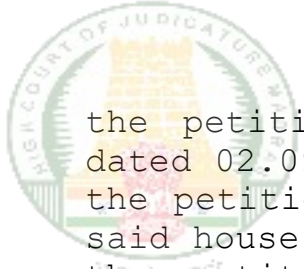
PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.290 of 2013 on the file of the Judicial Magistrate No.I, Madurai dated 24.01.2013 and set aside the same and further direct the learned Judicial Magistrate to take the complaint on his file.

For Petitioner	:	Mr.N.Subramanian
For Respondents 1, 3, 5 to 9	:	No appearance
For Respondents 2 & 4	:	Mr.R.Suriyanarayanan

ORDER

The petitioner filed a private complaint in Cr.M.P.No.290 of 2013 under Sections 2(d) and 30 of the Human Rights Act and Sections 190 and 200 Cr.P.C. before the learned Judicial Magistrate No.I, Madurai against the respondents herein and the said private complaint has been dismissed by the learned Judicial Magistrate No.I, Madurai on 24.01.2013, on the ground that on the similar allegations, the petitioner had approached the Human Rights Forum and enquiry is pending. Challenging the order dated 24.01.2013, in Cr1.M.P.No.290 of 2013, the petitioner has filed the present Criminal Revision Case.

2.To appreciate the grounds raised by the petitioner, it may be necessary to advert to the allegations in the private complaint filed by the petitioner. In the private complaint filed by the petitioner, she has stated that the property bearing Door No.50-B, in New Pankajam Colony originally belonged to Mariammal, mother of



the petitioner; that Mariammal bequeathed the property by Will dated 02.09.1991 in favour of the petitioner and her sisters; that the petitioner and Sิริya Pushpam (her sister) were living in the said house; that the respondents 2 to 9 had illegally dispossessed the petitioner from the said house with the connivance of respondent No.1, who was working as Inspector of Police, Theppakulam Police Station and hence the complaint.

3.It is seen that respondents 6 to 9 are none other than the blood brothers of the petitioner and they are not strangers. The petitioner has not even stated in the private complaint that the respondents 6 to 9 are her own brothers and instead proceeded with the private complaint as if they are total strangers. In fact it is seen that suits have been filed in O.S.Nos.631 of 2010 and 593 of 2010 between the family members, in which this petitioner and respondents 6 to 9 are parties. The said suits have been disposed of on 29.06.2012 by the Principal Sub Court, Madurai and against the common judgment and decrees, appeals were filed in A.S.Nos.32 of 2012, 34 of 2012 and 35 of 2012, in which also the petitioners and respondents Nos.6 to 9 were parties. Thus, the dispute is essentially a civil dispute with regard to the enjoyment of the property left by the mother of the petitioner and respondents 6 to 9 and this has been completely suppressed by the petitioner in the private complaint. In the opinion of this Court, the petitioner is trying to give criminal colour to a pure civil litigation.

4.In the result, this Criminal Revision Case is devoid of merits and the same is dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate No.1,
Madurai.

2.The Principal Sub Court,
Madurai.

+1cc to Mr.R.Suriyanarayanan, Advocate SR.No.49923

+1cc to Mr.N.Subramanian, Advocate Sr.No.49928

SJ

VB/KKR/SAR3/01.03.2018/2P/5C

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