

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.30511 of 2015

Ranjith Kumar

.. Petitioner

Vs.

1.Indirani
2.Umadevi
3.Revathi
4.Muthukumar
5.Venkatesan
6.Balu
7.Rajkumar
8.Ravichandran
9.Nepoleon
10.Moorthy
11.Kumar
12.Durai

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 20.08.2005 passed by the learned Principal District and Sessions Judge, Dharmapuri, in Crl.R.C.No.21 of 2014 by confirming the order passed by the learned District Munsif cum Judicial Magistrate, Pennagaram, dated 18.08.2014 in Crl.M.P.No.5392 of 2014 and for proper adjudication.

For Petitioner : Mr.Fazulul Haq

For Respondent :Mr.C.Prabakaran
for R1 to R12

W E B C O P Y
O R D E R

This petition has been filed challenging the order passed in Crl.R.C.No.21 of 2014, dated 20.08.2015, wherein, the revisional Court confirmed the order passed by the Judicial Magistrate Court, Pennagaram, dismissing the private complaint filed by the petitioner against the respondents.

2. The learned counsel for the petitioner submitted that the complainant makes out a prima facie case against the respondents and therefore the Court below ought to have

taken cognizance and thereafter could have ordered for an investigation/enquiry by the police in exercise of its powers under Section 202 (1) of Cr.P.C and without resorting to this procedure, the order passed by the Court below, dismissing the complaint is illegal. The learned counsel further submitted that the revisional court mechanically confirmed the order of the trial Court without giving any reasons.

3. The learned counsel appearing on behalf of the respondents submitted that the allegations made in the complaint are purely Civil in nature and there was already a Civil suit pending between the parties in O.S.No.177/2012 and the same also got dismissed at a later point of time. The learned counsel further submitted that the jurisdiction exercised by this Court under Section 482 of the Cr.P.C., cannot be used as a second revision. It is barred under Section 397(3) Cr.P.C.

4. This Court has carefully considered the submissions made on either side and also the materials available on record.

5. A careful reading of the complaint clearly shows that it has a flare of a Civil dispute. It is true that the trial Court ought not to have ordered an enquiry/investigation under Section 202 (1) of Cr.P.C, without taking cognizance of the complaint. However, it will be too late in the day to interfere with the said order after nearly 8 years and this Court does not want to revive the complaint on that score.

6. The allegations made in the complaint is purely Civil in nature and the same cannot be agitated in the form of criminal proceedings. This is more so, due to the fact that there was a suit pending between the parties on the same issue and it was also subsequently dismissed.

7. This court does not want to exercise its jurisdiction under Section 482 of Cr.P.C, at this stage and unnecessarily revive a closed chapter between the parties.

8. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Dharmapuri.

2.The District Munsif cum Judicial Magistrate,
Pennagaram.

+1cc to Mr.Fazulul Haq, Advocate SR.No. 46741

+1cc to Mr. C.Prabakaran, Advocate SR.No. 46705

Cr1.O.P.No.30511 of 2015

EV (CO)

A.SK(28/06/2019)



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