

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.1395 of 2012

K.Dhillikumar .. Petitioner/Complainant
Vs.

1. Manoharan
2. Gowri @ Murugammal
3. Rani
4. Mohana
5. Madhiyarasan
6. Elizebath Rani

.. Respondents/Accused

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the impugned order dated 05.07.2010 passed in C.M.P.No.1495 of 2010 on the file of the Judicial Magistrate Court No.II, Ponneri.

For Petitioner : Mr.N.P.Anantha Ramakrishnan
For Respondents : No appearance

ORDER

This criminal revision has been filed seeking to set aside the impugned order dated 05.07.2010 passed in C.M.P.No.1495 of 2010 on the file of the Judicial Magistrate Court No.II, Ponneri.

2. The petitioner filed a private complaint under Section 200 Cr.P.C. in C.M.P.No.1495 of 2010 before the Judicial Magistrate Court No.II, Ponneri, for the offences under Sections 423, 427, 448 and 506 (I) IPC, against the respondents, which was dismissed on 05.07.2010, aggrieved by which, the petitioner filed the present criminal revision invoking Section 397 r/w 401 Cr.P.C.

3. Heard Mr.N.P.Anantha Ramakrishnan, learned counsel for the petitioner.

4. It is the case of the petitioner that the lands in question measuring 0.45 acres in Survey No.8/3 and 1.20 acres in Survey No.8/4 belonged to his father Krishnaswamy Raj; Ganesa Chettiar, father of the first respondent, filed a suit in O.S.No.403 of 1993 against Krishnaswamy Raj for a declaration, which was dismissed by the District Munsif Court, Ponneri, on

30.01.2004 and the same was confirmed by the first appellate Court and the second appellate Court; while so, it is alleged that the second to fourth respondents gave power of attorney to the fifth respondent, who, in turn, sold the property to the sixth respondent on 30.11.2005; thereafter, it is alleged that the respondents removed the board that was put by the petitioner in the property and attempted to intimidate and dispossess him.

5. In the impugned order dated 05.07.2010 in C.M.P.No.1495 of 2010, the trial Court has given the following reasons for dismissing the private complaint:

"6. With regard to other offences under Section 427, 448 IPC, there is no allegations made out in the complaint and in the statement of witnesses. Dismissal of the above suits and appeals cannot by itself prove possession and enjoyment of the petitioner and his family until it is established before a proper civil forum. The remedy of the petitioner if so in possession is elsewhere as criminal offence requires proper date and time for commission of such offence. The complaint lacks particulars as to the date of offence except that of execution of sale deed in favour of 6th accused. The cause of action that sale deed has been executed in favour of 6th accused cannot implicate abovesaid offence against the accused. It would be pertinent to note that the complaint in one place states that the petitioner and his family members were restricted to enter the property and in other hand it has been stated that they are in possession of the property. There is lack of details in the complaint as to removal of such notice board put up by them and the criminal intimidation by the accused. Hence, I am of considered opinion that there is no case made out by the complainant and there is no sufficient ground for proceeding with the case."

6. This Court does not find any perversity or impropriety in the aforesaid reasons given by the trial Court, warranting interference.

In the result, this criminal revision is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

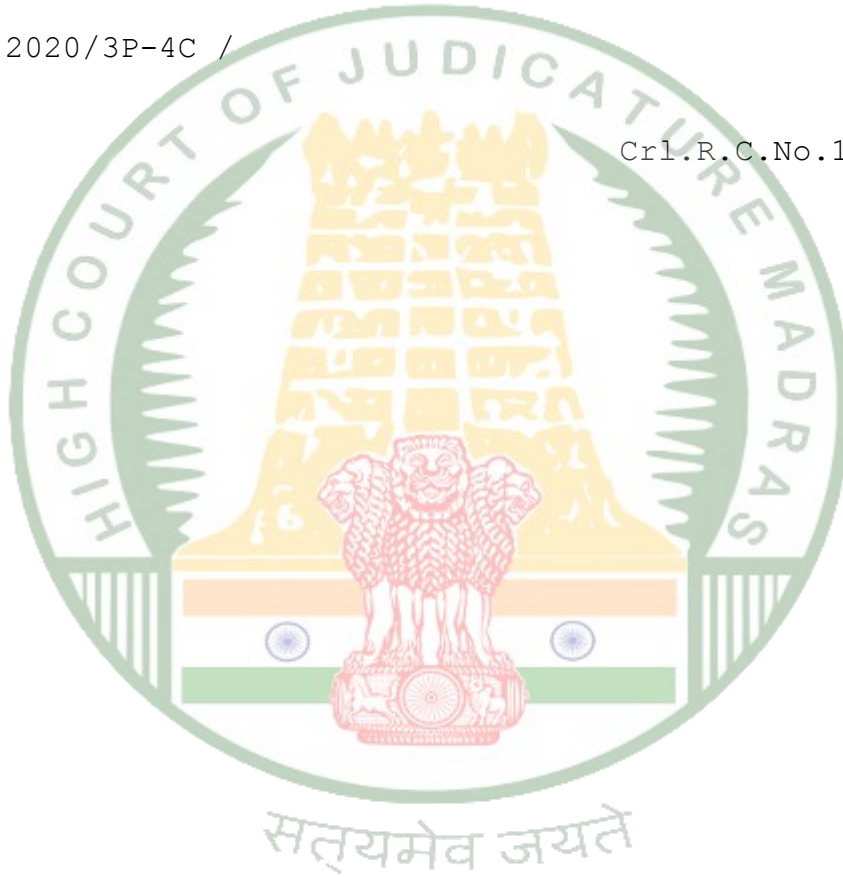
1.The Judicial Magistrate No.II,
Ponneri.

2.The Chief Judicial Magistrate,
Tiruvallur.

+1 cc to M/s.N.P.Anantha Rama Krishnan,Advocate Sr.No. 103222

AKM/20.01.2020/3P-4C /

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