

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.503 of 2016 and  
CrI.M.P.No. 3391 of 2016

K.V.Jeyaraman

... Petitioner

Vs

1. State rep. by  
Inspector of Police (Crime)  
E.1 Singanallur Police Station (Crime)  
Coimbatore City, Coimbatore

2. Valliammal

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the order dated 19.02.2016 made in CMP.No.6400 of 2015 passed by the learned Judicial Magistrate No.III, Coimbatore.

For Petitioner : Mr.R.C.Paul Kanagaraaj

For Respondents : Mr.R.Ravichandran  
Government Advocate ( CrI.Side)  
for R1  
Mr.R.John Satyan for R2

O R D E R

This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C. to call for the records and to set aside the order dated 19.02.2016 made in CMP.No. 6400 of 2015 by the Learned Judicial Magistrate No.III, Coimbatore.

2. The case of the petitioner is that the second respondent filed a complaint against the revision petitioner making a false allegation that she and her husband's 1st wife Devaththal had purchased 7.49 1/2 acres of land at Iruyur village, Coimbatore on 10.06.1971. The said Devaththal died intestate on 29.06.1992. The share of the said Devaththal devolved on the complainant's son and daughter. While so, the second respondent and her son had decided to sell the land. The deal was arranged

by the daughter's son of the second respondent one Ravikumar. The petitioner had purchased the land on payment of the entire sale consideration. The entire amount was received by her grandson Ravikumar and he had not paid to her. During the year 2011, She was hospitalized and even during that period ie., on 15.04.2011, she was taken to the Singanallur Sub-Registrar officer, where, the revision petitioner and one broker Prabhakaran were present and obtained signature in the sale deed for which the petitioner did not give any amount rather alleged to have given the sale amount after clearing the path way dispute. Thereafter, the revision petitioner and the other accused tried to cheat the 2<sup>nd</sup> respondent by not giving the sale consideration to the complainant.

3. It is the case of the second respondent that the said Ravi kumar has given Rupees 5 lakhs to the second respondent in different dates for her Medical expenses and she came to know that the Ravi kumar has withdrawn her deposit amount of Rupees 5 lakhs along with interest without her knowledge. Therefore, she has given a complaint to the Commissioner of Police who in turn forwarded the same to B5 Singanallur Crime Police, but no steps were taken. Hence, she filed the present complaint before the learned Judicial Magistrate No.III, Coimbatore.

4. The second respondent initially has filed the private complaint under Section 156(3) of Cr.P.C. The learned Magistrate after considering the relief sought for in the said complaint, directed the B5 Singanallur (Crime) Inspector/Officer in charge of Police Station to investigate into the matter. The first respondent Police filed a negative report to the effect that the dispute is Civil in nature. Therefore, he preferred the complaint under Section 156(3) of Cr.P.C. and the learned Judicial Magistrate issued a direction to investigate into the matter and follow the guidelines laid down in Lalitha kumari case and file report on this case. The operative portion of the order reads as follows,

The guidelines to be followed up are :

" The priliminary enquiry to be conducted and the statements of the witnesses may be record and the report after the conclusion of the enquiry may be submitted to the Hon'ble Court.

I am of opinion that, as the matter is of Civil nature an enquiry may be conducted and the report may be submitted to the Court."

5. The learned counsel for the revision petitioner would submit that the police are conducting the enquiry on the ground that there is no prima facie case made out and also the dispute is civil in nature. They have advised the second respondent to approach the Civil Court by challenging the sale deed and so advising, the police filed closure report. Therefore the second complaint filed by the second respondent on the very same allegation is not maintainable and the learned Magistrate ought to have rejected the complaint filed by the second respondent.

6. On reading of the order passed by the learned Magistrate and complaint filed by the second respondent/defacto complainant and negative report filed by the first respondent on the complaint filed by the second respondent. It is found that the grievance of the second respondent was that the first respondent, without conducting proper enquiry or investigation, filed negative report. Therefore, the learned Magistrate gave direction for following Lalitha kumari case.

7. Therefore, under these circumstances, the contentions raised by the learned counsel for the revision petitioner is not acceptable. Though, it is only the learned Magistrate gave directions to the respondent only to conduct an enquiry as per the guidelines given in Lalitha Kumari case laid down by the Supreme Court. Therefore, under these circumstances, when the guidelines already given in the Lalitha kumari case, no specific reason need to be assigned and this Court does not find any perversity in the order passed. Therefore, there is no merit, the revision case is liable to be dismissed. Consequently, connected miscellaneous petition is closed.

kmm

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,  
Coimbatore.
2. -Do- Thro' The Chief Judicial Magistrate,  
Coimbatore.
3. The Inspector of Police (Crime)  
E.1 Singanallur Police Station (Crime)  
Coimbatore City, Coimbatore

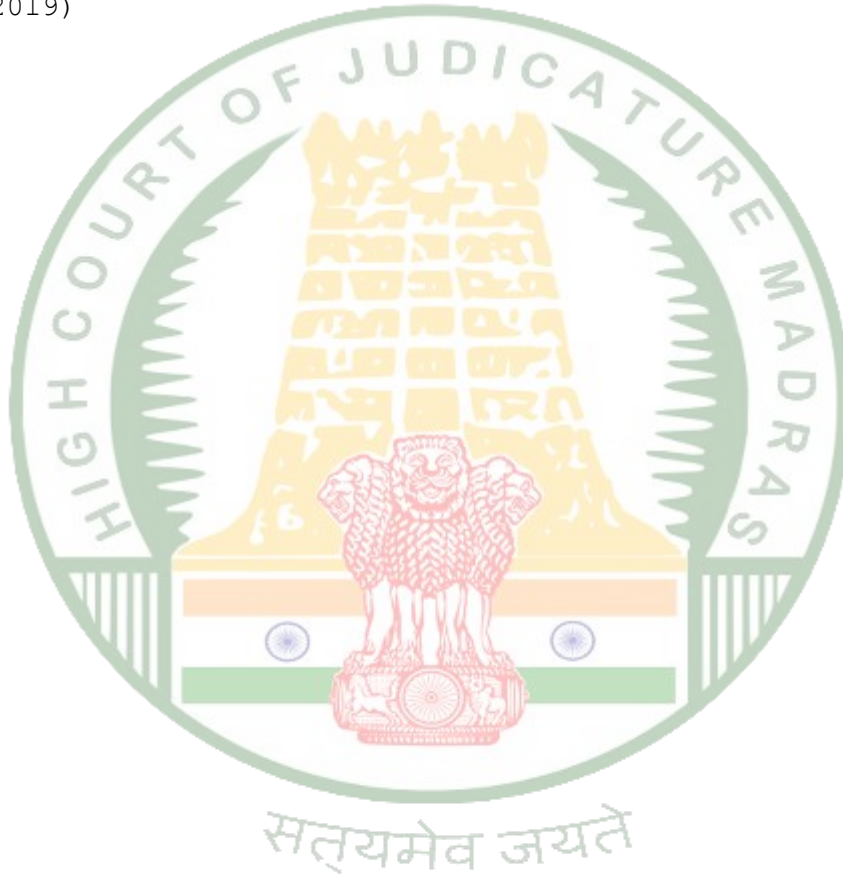
4. The Public Prosecutor,  
High Court of Madras.

Copy to:-

The Section Officer,  
V.R.Section,  
High Court, Madras - 104.

Cr1.R.C.No.503 of 2016

Kak(22/10/2019)



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