

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No. 518 of 2016

S.Suresh

...Petitioner

-Vs-

K.Vino

...Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records relating to the order dated 10.08.2015 made in Crl.M.P.No. 1608 of 2015 on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur and set aside the same.

For Petitioner : Mr.D.Gopal and D.Raghu

For Respondent : Notice not sent

O R D E R

The revision petitioner filed a complaint against the respondent alleging that the property in S.No.34/4 situated at Thirunageswaran Village measuring 1513 sq.ft. belongs to his parents and the same was not registered by the Police. Therefore, the revision petitioner has filed a petition before this Court in Crl.O.P.No. 24101 of 2014 and the learned Government Advocate therein stated that the enquiry was conducted and closed as mistake of fact. This Court after hearing the submissions, directed the police to send a copy of the closure report to the petitioner and also stated that the petitioner on receipt of the same, is at liberty to approach the appropriate forum for his remedy. However, the Police furnished the order copy only after several representations and they did not investigate the complaint.

2. Therefore, the petitioner filed CMP.No.1608 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Sriperumbudur. However, the learned District Munsif cum Judicial Magistrate dismissed the petition by stating that the petitioner had filed that petition without any documents to substantiate his contention and the cause of action is not specifically pleaded in the complaint. The learned Judge has also observed that there is no basis to presume that the accused has committed an offence.

3. Against which the petitioner has filed the present revision case before this Court. It is true that initially in the year 2016, this Court ordered the respondent to send a copy of the closure report to the petitioner and it is also seen that the Police furnished the order copy to the petitioner only after several representations.

4. This court vide order dated 28.03.2016, ordered notice and private notice to the respondent herein and also gave a direction that affidavit of service is to be filed. Even today, the petitioner has not produced any proof of service, to that effect.

5. Therefore, under these circumstances, considering the allegation leveled in the complaint and record produced, this Court does not find any prima facie case. There is no merit in the revision, hence, the revision case is liable to be dismissed. Accordingly, the revision case stands dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmm

To

The District Munsif cum Judicial Magistrate,
Sriperumbudur.

2. The Section Officer,
Criminal Section,
High Court, Madras

+1cc to Mr.D.Gopal and D.Raghu , Advocate SR.No. 42075

Cr1.R.C.No. 518 of 2016

A.SK(09/07/2019)