

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.10.2019
CORAM:
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.R.C.No.1122 of 2019

K.Manoharan

... Petitioner/Accused

Vs.

State rep by

The Inspector of Police,
Arni Town Police Station,
Thiruvannamalai District.

... Respondent/Complainant

PRAYER: The Criminal Revision has been filed, under Section 397 and 401 of Cr.P.C., seeking to set aside the order dated 08.08.2019, made in Crl.M.P.No.2386 of 2019 in C.C.No.256 of 2014, by the Judicial Magistrate court, Arni, Thiruvannamalai District and to direct the respondents to register the FIR in the petitioner complaint dated 11.02.2019.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.M.Mohamed Riyaz, APP

O R D E R

The criminal revision has been filed by the petitioner/Accused, seeking to set aside the order dated 08.08.2019, made in Crl.M.P.No.2386 of 2019 in C.C.No.256 of 2014, by the Judicial Magistrate court, Arni, Thiruvannamalai District and to direct the respondents to register the FIR in the petitioner complaint dated 11.02.2019.

2 This Court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3 The brief facts of the case are that the petitioner had given a complaint against one Nagaraju and others in respect of a money dispute and for threatening him. It is the case of the petitioner that one Vedha @ Venda had entered into a sale agreement with the petitioner for sale of the property on 03.01.2014, fixing the sale consideration at Rs.30,00,000/- and that on 03.01.2014, the petitioner had paid a sum of Rs.5,00,000/- towards advance sale consideration and agreed to pay the balance sale consideration within a period of three months from the date of the sale agreement. Further, pursuant to the agreement, the petitioner had given a sum of Rs.10,00,000/-

on 10.04.2014 and a further sum of Rs.2,00,000/- on 29.02.2016, towards part of the sale consideration. Thereafter, despite the reminders by the petitioner, the said Vendha had not come forward to execute the sale agreement. While so, on 11.02.2019, the said Vendha had contacted the petitioner through phone to bring the original sale agreement to the Sub Registrar Office, Arni and when the petitioner had brought the same, said vendha, the husband Nagaraju along with her sons Raji, Saravanan had forcibly taken away the original sale agreement from the petitioner and abused the petitioner in a filthy language and saying that some other persons are paying more money, thereby, they sell the property to that person, pushed the petitioner down and tried to attack him with stone and had threatened the petitioner stating that his death will be only at their hands. The further allegation was that the petitioner had lodged a complaint with the respondent police dated 11.02.2019, for which the respondent had issued CSR No.95/2019, dated 17.02.2019 and since, no action had taken by the respondent police, the petitioner had forwarded the complaint to the Superintendent of Police, Tiruvannamalai and the Deputy Superintendent of Police, Arni by registered post, seeking to take action. Even thereafter, since no FIR was registered, the petitioner had approached the Court below to register the FIR and to investigate the case.

4 The Trial Court after perusing the petition and the affidavits filed by the petitioner came to a conclusion that there was a civil dispute between the petitioner, the said Vendha, her husband and two sons and that the sale agreement was executed nearly five years ago and the same was an unregistered sale agreement and that the petitioner has also not paid the sale consideration within the stipulated time limit in the said sale agreement and finding that prima facie, the case appears to be a civil in nature and if the petition is allowed it would be amounting to encouraging registration of FIR in all the civil disputes and finding that the complaint, lacks of bonafides, had dismissed the petition, against which, the present criminal revision has been filed.

5 The learned counsel for the petitioner would submit that the only option available to the learned Magistrate is to refer the case for investigation whereas, the learned Trial Judge, on assumptions and presumptions stating that the dispute is civil in nature had closed the complaint, which is illegal.

6 I have gone through the materials on record and the order passed by the learned Magistrate.

7 The learned Magistrate, finding that an attempt has been made by the petitioner to give criminal colour to a civil

dispute and finding that the complaint lacks bonafides had dismissed the petition. Further, the learned Magistrate has also held that if the petition is allowed it would be amounting to encouraging FIR in all civil dispute.

8 I do not find any infirmity in the order passed by the learned Magistrate.

9 Accordingly, the criminal revision stands dismissed.

sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To:

- 1.The Judicial Magistrate court, Arni,
Thiruvannamalai District.
- 2.The Inspector of Police, Arni Town Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.P.Muthamizh Selvakumar, Advocate, SR.No.88972.

सत्यमेव जयते

Cr1.R.C.No.1122 of 2019

VG-II (CO)
CSR (26/11/2019)

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