

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT****DATE : 15.11.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****CRL. R.C. (MD) NO. 845 OF 2019**

Ponpandi

.. Petitioner/Complainant

- Vs -

1. State, rep. by
The Sub Inspector of Police
Muthiahpuram Police Station
Thoothukudi
Thoothukudi District.

2. Muthukumar

3. Jothi Premila

.. Respondents/Respondents

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 10.09.2019, passed by the learned Judicial Magistrate No.II, (i/c), Thoothukudi District in Cr. M.P. No.9620/2019.

For Petitioner : Mr. A.Thiruvadikumar

For Respondents : Mr. V.Neelakandan, APP, for R-1

ORDER

The present revision has been filed against the dismissal of the petition filed by the petitioner u/s 156 (3) Cr.P.C.

2. It is the case of the petitioner that due to pathway dispute between petitioner and respondents 2 and 3, O.S. No.250/18 was filed before the Addl. District Court, Thoothukudi, which is pending and in the said suit, injunction was also obtained by the petitioner. It is the further case of the petitioner that on 22.10.18, the respondents 2 and 3 bulldozed the compound wall in the petitioner's property with the use of JCB and also threatened the petitioner with dire consequences. Against the said act of respondents 2 and 3, the petitioner lodged a complaint with the 1st respondent on 22.10.18 and since no action was taken on the said complaint, on 8.3.18, the petitioner sent a representation through post to the Superintendent of Police, Thoothukudi. Though the said representation was forwarded to the 1st respondent police, however, no action having



been taken till date, the petitioner was constrained to move the court below u/s 156 (3) Cr.P.C. by filing a private complaint.

3. The court below, after hearing the petitioner, passed a detailed order holding that the injunction granted in the suit had expired on 29.10.18 and the same has not been extended and further, the representation was given by the petitioner against the respondent 2 and 3 on 8.3.19 and an analysis of the complaint u/s 156 (3) Cr.P.C., as also the averments in the suit clearly show that due to dispute between the parties, the petitioner was threatened. However, the said fact has not been stated in the representation as well as in the complaint given to the official respondents. Therefore, for the reasons shown in the said order, the court below held that no case has been made out and, accordingly, dismissed the petition.

4. Heard the learned counsel appearing for the petitioner and the learned Add. Public Prosecutor appearing for the 1st respondent and perused the impugned order passed by the court below.

5. From a careful analysis of the order passed by the court below, it is evident that the court below has rendered a categorical finding that the dispute is of civil in nature, which has been given criminal colour by filing a complaint before the 1st respondent and, thereafter, forwarding a representation to the Superintendent of Police. It is further observed by the court below that the contents in the petition as well as the suit are not reflected in the complaint given to the official respondents and, therefore, the court below held that the petitioner has not made out a case for ordering the petition u/s 156 (3) Cr.P.C. On a conspectus reading of the order passed by the court below, this Court is of the considered view that the trial court has appreciated the facts in its entirety and has rendered a just and reasonable finding, which warrants no interference at the hands of this Court.

6. This revision petition, being devoid of merits, is accordingly dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

GLN



To

1. The Judicial Magistrate No.2
Thoothukudi.

2. The Sub Inspector of Police
Muthiahpuram Police Station
Thoothukudi
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-98600[F] dated
15/11/2019)

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VB(27.11.2019) 3P 5C