



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

WEB COPY

Cr1.R.C. (MD) No.309 of 2011

RM.Murugappan

.. Revision Petitioner/  
Complainant

Vs.

1. SP.Alagappan
2. VR.Chinna Arunachalam
3. T.Arunachalam
4. M.N.L.Subramanian
5. N.M.Ganesan

.. Respondents

**Prayer :** This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in C.C. No.387 of 2010 on the file of the learned Judicial Magistrate, Karaikudi and set aside the dismissal order in C.C.No.387 of 2010, dated 08.11.2010 and consequently pass an order directing the learned Judicial Magistrate, Karaikudi to conduct a de novo trial.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : M/s.R.Gandhi,  
for M/s.Ajmal Associates.

## ORDER

The petitioner herein filed a criminal case against the respondents herein before the learned Judicial Magistrate, Karaikudi. It was forwarded to the Inspector of Police, North police station, Karaikudi under Section 156(3) of Cr.P.C. After investigation, final report was filed referring the case as "Mistake of Fact". Aggrieved by the same, the petitioner herein filed a protest petition. It was taken under Section 200 of Cr.P.C. The petitioner examined himself along with few others under Section 202 of Cr.P.C. The learned trial Magistrate by order dated 08.11.2010 dismissed the same. Questioning the dismissal of his complaint under Section 203 of Cr.P.C., this Criminal Revision has been filed.

2. Heard the learned counsel on either side.

3. A mere look at the materials on record would indicate that there is a pending civil dispute between the petitioner on the one hand and the accused on the other. The third respondent herein



T.Arunachalam had earlier given a complaint which was registered in Crime No.528 of 2007 before the Karaikudi North police station. Thereafter, the present complaint came to be lodged by the petitioner herein.

4. In these circumstances, the Court below had observed that a civil dispute is sought to be converted into a criminal offence. It was further observed that the evidence given by the petitioner and other witnesses is not reliable or cogent. The police had already filed final report closing the case. The materials produced by the petitioner are not sufficient to doubt the same. I find the order dismissing the petitioner's complaint under Section 203 of Cr.P.C., is well reasoned. There is no ground to interfere with the order passed by the Court below.

5. This Criminal Revision stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate,  
Karaikudi.
2. The Section Officer,  
Criminal Section,  
Madurai Bench of Madras High Court, Madurai.  
(2 copies)

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pmu

JM/16.08.2019/2P/4C