

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4508 of 2020

R.Moorthy

...Petitioner

Vs.

1.The Sub Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Villupuram - 605 602.

2.The Deputy Superintendent of Police-I,
District Crime Branch,
Villupuram District,
Villupuram.

3.The Superintendent of Police,
Villupuram,
Villupuram District.

4. G.Ramu Chettiar
(R4 is impleaded as per order
in Crl.M.P.No.3102 of 2020
in Crl.O.P.No.4508 of 2020
dated 09.03.2020)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned dismissal order dated 09.01.2020 in Crl.M.P.No.75 of 2020 on the file of the learned Judicial Magistrate, Thirukoilur and consequently direct the first respondent police to register the petitioner complaint dated 26.03.2019 and investigate the petitioner complaint.

For Petitioner : Mr. R.Moorthy

For Respondents : Mr.M.Mohamed Riyaz, (for R1 to R3)
Additional Public Prosecutor.

: No Appearance for (R4)

O R D E R

This Criminal Original Petition has been filed to challenge the order passed in Crl.M.P.No.75 of 2020 on the file of the learned Judicial Magistrate, Thirukoilur dated 09.01.2020, thereby dismissing the petition filed by the petitioner under Section 200 of Cr.P.C.

2. Heard Mr.R.Moorthy, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner has submitted that the petitioner was asking for his share in the "Sri Venkateswara Oil Mills" belonging to his father and he threatened with dire consequence his father. Therefore the petitioner lodged a complaint before the jurisdictional police, but they did not take any action. Even then, the higher police officials did not take any steps to register a case as against the accused and as such private complaint was filed before the jurisdictional Magistrate. After enquiry the learned Magistrate dismissed the complaint for the reason that entire allegations are civil in nature.

4. A perusal of the complaint and order passed by the learned Magistrate clearly shows that the petitioner seeks his share in the Oil Mills of his family property. While he was asking for his share, his father has threatened with dire consequences.

5. Admittedly, the petitioner seeks his share in the Oil Mills and instead of filing a suit for partition, the petitioner tried to give a complaint for criminal conspiracy as against his own father. Therefore, the learned Magistrate has rightly dismissed the complaint filed by the petitioner as civil in nature.

6. Considering the above facts and circumstances, this Court finds no merits in this petition and therefore no illegality or infirmity in the order passed by the Court below. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ebsi

To

1.The Judicial Magistrate,
Tirukoilur,
Keelaiyur
Kallakurichi District.

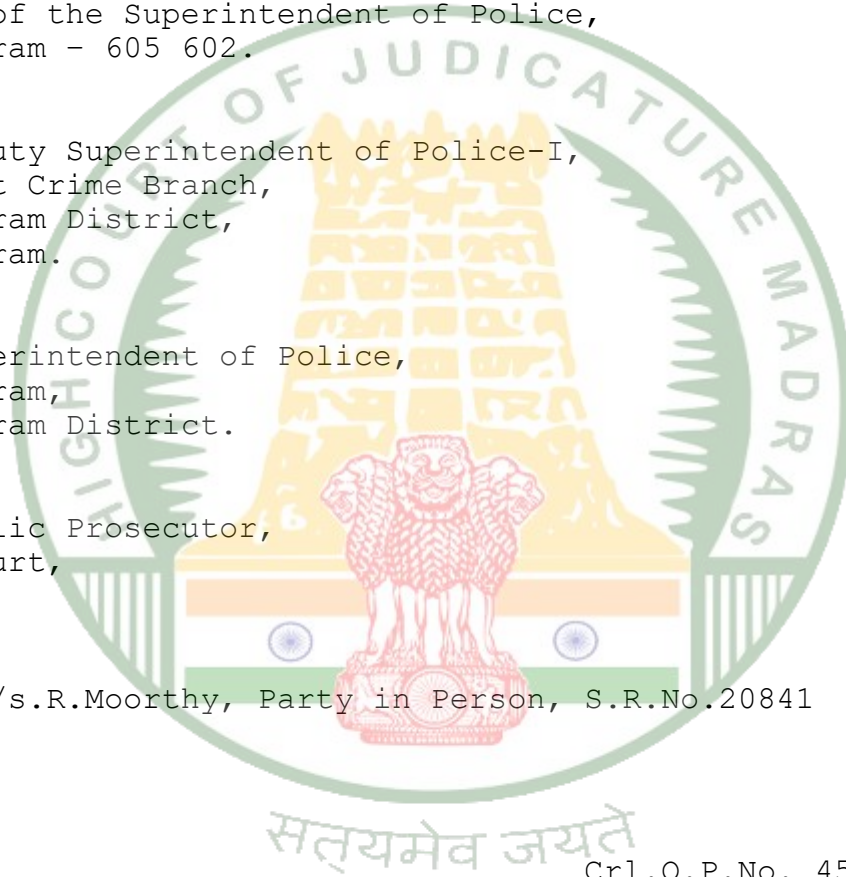
2.The Sub Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Villupuram - 605 602.

3.The Deputy Superintendent of Police-I,
District Crime Branch,
Villupuram District,
Villupuram.

4.The Superintendent of Police,
Villupuram,
Villupuram District.

5.The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.R.Moorthy, Party in Person, S.R.No.20841



Cr1.O.P.No. 4508 of 2020

PPA (CO)
RN (09/06/2020)

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