

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	17.02.2020
Date of Judgment	11.06.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

WEB COPY

Cr1.RC(MD)No.864 of 2019
and
Cr1.MP(MD)No.10213 of 2019

1.Thoulath Banu

2.Mohammed Unus : Revision Petitioners/Petitioners/Accused

Vs.

Seyed Ammal : Revision Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under sections 397 and 401 of the Code of the Criminal Procedure against the order passed by the Judicial Magistrate, Mudhukalathoor, Ramanathapuram District, in Cr.M.P.No.6862 of 2018 in C.C.No.47 of 2016, dated 19.06.2019.

For Petitioners : Mr.A.S.Murugan

For Respondent : Mr.D.Senthil

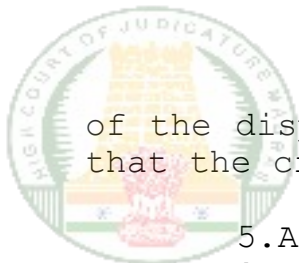
J U D G M E N T

This criminal revision is directed against the order passed by the Judicial Magistrate, Mudhukalathur, Ramanathapuram District, in Cr.M.P.No.6862 of 2018 in C.C.No.47 of 2016, dated 19.06.2019.

2.Heard both sides and perused the materials available on record.

3.The learned counsel appearing for the petitioners/accused argued that no reasonable opportunity was given to them and the impugned order was passed behind them back and no documents were filed in respect of the property involved in this case and there is no document to show that the respondent and her husband are the owner of the disputed property and the petitioners have no dishonest intention to sell the disputed property and the petitioners are entitled to the disputed property and civil suit is pending in respect of the property of the gift deed, dated 27.05.2008 and the above civil suit is pending and no complaint was given by the petitioners to the concerned Sub Registrar in respect of the disputed property and no prima facie case made out and prays that the criminal revision has to be allowed.

4.On the other hand, the learned counsel appearing for the respondent/complainant argued that the respondent is the owner of the disputed property and after filing of this complaint the second accused filed a suit before the Muthukulathur Sub Court in respect



of the disputed property and prima facie case is made out and prays that the criminal revision has to be dismissed.

5.As per the version of the complaint, it reveals that A1 executed release deed in favour of the husband of the complaint on 02.06.2003 and in respect of the same, on 27.01.2005, A1 executed a settlement deed in favour of A2. The above documents are valid or not will be decided before the civil court and whether the accused have dishonest intention will be decided only way of examining the witnesses and production of the documents. At this stage, it is to be decided whether prima facie case is made out or not. On careful perusal of the records, it reveals that prima facie case is made out. The reasons stated by the petitioners are not acceptable. The trial court is correctly came to the conclusion that prima facie case is made out. Hence, it is not necessary to interfere with the findings of the trial court.

6.In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

er

To.

The Judicial Magistrate,
Mudhukulathoor,
Ramanathapuram District

Crl.RC(MD)No.864 of 2019

11.06.2020

SMA/19/06/2020/2P/2C