



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.126 of 2018

K.Venkatesan

.. Petitioner/Complainant
Vs.

1.P.R.Thangamuthu

2.T.Ponnusamy

3.Sakthivel

.. Respondents/Respondents

PRAYER: This Criminal Revision Case has been filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 22.10.2016 made in Crl.M.P.No.3030 of 2016, passed by the learned District Munsif cum Judicial Magistrate, Perundurai.

For Petitioner : Mr.M.Elango

For R1 & R2 : Mr.M.Karthik

For Mr.I.C.Vasudevan

For R3 : No appearance

ORDER

(This case has been heard through video conference)

The unsuccessful private complainant is the revision petitioner herein.

2.The revision petitioner herein/complainant has filed a private complainant for the offence under Section 200 of Cr.P.C to take cognizance of the complaint under Sections 420, 409 & 506(ii) of IPC against the respondents 1 to 3.

3.The first accused/first respondent herein viz., Thangamuthu is the father of the second accused/second respondent herein viz., Ponnusamy and father in law of the third accused/third respondent herein viz., Sakthivel.

4.The private complaint proceeds on the basis that in the year 1995, the mother of the revision petitioner/complainant by name K.Savithiri along with one Vasanthi and Govindasamy Gounder had entered into sale agreement for sale of lands to an extent of 7.26 ¼ acres, 0.74 acres in R.S.No.140/6, 76 cents in R.S.No.137/1 of Pudupalayam village in Perundurai Taluk along with the first accused and 23 others. They have sold certain extent of land at E-ode. During the partition of remaining lands, some dispute was arose between them. It is alleged that



first accused/first revision petitioner herein intervened and told that he will give Rs.5,75,000/- to Vasanthi after power of attorney in favour of him. Accordingly, power of attorney was executed in favour of the first accused/first revision petitioner herein by the partners viz., Savithiri and Vasanthi. But, the first respondent sold the lands without knowledge of the owners and when the owners of the land asked to settle the accounts for many times, he has not settled it. Thereafter, in the year 2010, the father of the complainant died and again the revision petitioner herein/complainant and his mother approached the first respondent/first accused to settle the accounts but he has refused the same and hence, in the year 2016 the complainant has filed a private complaint. The learned District Munsif cum Judicial Magistrate, Perundural, after going through the records, has come to the conclusion that no prima facie case is made out for taking cognizance of the complaint for the offence under Sections 420, 409 and 506(ii) of IPC against the respondents 1 to 3/accused.

5. Heard both the learned counsels and perused the materials placed on record.

6. On a perusal of the complainant and settlement, this Court finds that original agreement is of the year 2005 and there was a dispute after the power of attorney was executed in favour of the first accused/first respondent herein in the year 2009. In the year 2016, the revision petitioner/complainant has come forward by stating that after death of his father, he along with his mother has approached the first respondent herein/first accused to settle the amount and the first accused has failed to do so.

7. This Court finds that the entire transaction appears to be civil in nature and there is no element of criminality as projected. Accordingly, this Criminal Revision Case stands dismissed and the order passed by the learned District Munsif cum Judicial Magistrate, in CrI.M.P.No.3030 of 2016, dated 22.10.2016, is hereby confirmed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

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To:



- 1.The District Munsif cum Judicial Magistrate, Perundurai.
- 2.-do- through The Chief Judicial Magistrate, Erode.

Copy to

The Section Officer, Criminal Section, High Court, Madras.

Cr1.R.C.No.126 of 2018

BS(CO)
B.VC (21/10/2021)
KKV/18/11/2021