



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.817 of 2015

and

M.P.No.1 of 2015

C.Dayalan

...Revision Petitioner/Respondent

Vs.

1.The State represented by
the Inspector of Police,
JJ Nagar Police Station,
Ambattur Industrial Estate Road, Anna Nagar,
J Jayalalitha Nagar,
Mogappair East, Chennai - 600040.

2.V.S.Muthupandian

...Respondents/Defacto Complainant

PRAYER: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C., to set aside the order dated 27.07.2015 passed by the learned Judicial Magistrate, Ambattur, in CMP.No.3473 of 2015.

For Petitioner	:	Mr.B.Vijay
For R2	:	Mr.K.N.Nataraj
For R1	:	Mr.R.Vinoth Raja
		Government Advocate

O R D E R

The second respondent herein has preferred a private complaint before the learned Judicial Magistrate, Ambattur, under Section 156(3) of Cr.P.C in CMP.No.3473 of 2015. Additional typed set of papers was filed and the learned Magistrate has referred the matter to the concerned Police Station for registration of FIR and has directed to file a final report.

2.The case of the revision petitioner herein/respondent is that he had purchased the property in respect of Plot No.10 in Survey No.425, Golden George Nagar, Mogappair Village, Ambattur Taluk and alleged that one Muthupandian/defacto complainant has purchased the property in plot No.110, comprised in Survey No. 426 of very same village.



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

4. On a perusal of the records, it is seen that the revision petitioner has purchased the property by sale deed, so also defacto complainant has purchased the property by sale deed, survey number is totally different viz., 425 and 426, besides, under the provisions of Tamil Nadu Urban Land Ceiling and Regulation Act, 1978, the lands purchased by the defacto complainant comprised in Survey No. 426 has been acquired by the Tamil Nadu Government, in the year 1995 itself.

5. This Court finds that the dispute with regard to overlapping of the plots is to be worked out before the Civil Court; there is no criminal offence committed for taking cognizance; the matter is of Civil in nature and hence, the order passed by the learned Judicial Magistrate, Ambattur, in CMP.No.3473 if 2015, dated 27.07.2015, under Section 156(3) of Cr.P.C, to register FIR is not legally sustainable and the same is liable to be set aside.

6. Accordingly, this Criminal Revision Case stands allowed. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

dua

To

1. The Judicial Magistrate, Ambattur.

2. The Inspector of Police,
JJ Nagar Police Station,
Ambattur Industrial Estate Road, Anna Nagar,
J Jayalalitha Nagar,
Mogappair East, Chennai - 600040.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. B. Vijay, Advocate sr 38515.

Cr1.R.C.No.817 of 2015
and
M.P.No.1 of 2015

SR(CO)
SP(25/08/2021)