

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.139 of 2021

N.Chamundeeswari

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,  
E-9 Thamzhambur Police Station,  
Kanchipuram, District-603 103.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set-aside the order passed by the learned Judicial Magistrate-I, Chengalpattu by an order dated 22.10.2020 in Crl.M.P.No.1746 of 2020.

For Petitioner : No Appearance

For Respondent : Mr.K.Madhan  
Government Advocate [Crl. Side]

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ORDER

The petitioner has given a complaint to the respondent Police against Salim and Ramalingam stating that Salim had occupied the petitioner's land and had constructed a house stating that Ramalingam had sold the land to him. After receiving the complaint, the respondent Police did not take any action against Salim and Ramalingam even after lapse of a year. Despite the petitioner has sent a representation dated 24.12.2018 to the Superintendent of Police, Kancheepuram, the Deputy Superintendent of Police, Kancheepuram and to the respondent Police, no action was taken against them. Therefore, she has filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.I, Chengalpet in C.M.P.No.1746 of 2020. The learned Magistrate found the dispute is civil in nature and the petitioner has not followed the guidelines issued by the Hon'ble Supreme Court and dismissed the petition, by order, dated 22.12.2020. Challenging the same, the present criminal revision has been filed.

2.Today when the matter is taken up for hearing, no representation for the petitioner either in person or by his

counsel.

3.Heard Mr.K.Madhan, Government Advocate (Crl. Side), who takes notice for the respondent Police.

4.The main allegation levelled in the petition filed under Section 156(3) Cr.P.C., is that the petitioner purchased a property and kept in fence. But one Salim had occupied the land and had constructed a house stating that one Ramalingam had sold to him. There is no such document executed by Ramalingam to Salim. Therefore, she gave a complaint to the respondent Police against Salim and Ramalingam. Since the respondent Police did not take any steps, the petitioner has filed a petition under Section 156(3) Cr.P.C., along with the complaint and the title deeds.

5.The learned Judicial Magistrate after perusing the materials filed along with the petition, found that the petitioner has taken the civil dispute into a criminal dispute and no criminal offence has been involved in the said complaint and found that the dispute raised by the petitioner is civil in nature and also found that the petitioner has not filed affidavit along with the complaint as mandated by the Hon'ble Supreme Court in the case of "Priyanka Srivastava and another Versus State of Uttar Pradesh and others", inspite of giving sufficient opportunity.

6.A reading of the typed set of papers filed by the petitioner and also the order passed by the learned Judicial Magistrate, it is seen that though learned Judicial Magistrate has given sufficient opportunity to the petitioner, she has not made out the case and also not rectified the defects pointed out by the learned Judicial Magistrate within the stipulated time. Therefore, this Court finds that the transactions can be established through civil dispute and there is no prima facie made out for the criminal offence.

7.In view of the above, this Court does not find any perversity in the order, dated 22.10.2020 in C.M.P.No.1746 of 2020 passed by the learned Judicial Magistrate No.I, Chengalpet and the Criminal Revision is, accordingly, dismissed.

Sd/-

Assistant Registrar

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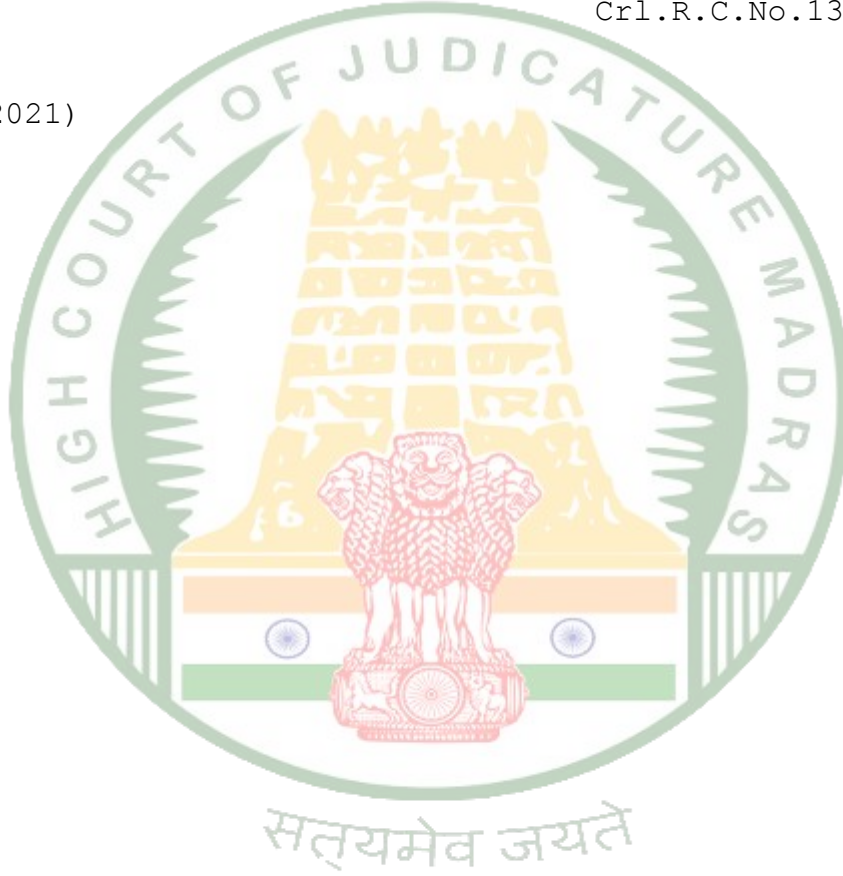
Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.I,  
Chengalpet.
- 2.The Inspector of Police,  
E-9 Thamzhambur Police Station,  
Kanchipuram District-603 103.
- 3.The Public Prosecutor,  
High Court, Madras.

Crl.R.C.No.139 of 2021

AK II(CO)  
CB(22/03/2021)



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