

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.176 of 2021

T.Lakshmi ... Petitioner/Petitioner

...vs...

1. N.Ramesh

2. N.Saravanakumar ... Respondents 1&2/
Accused 1&2

3. The State Rep.by
Inspector of Police,
Karumathampatty Police Station,
Coimbatore District. ... 3rd Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 03.02.2021 made in C.M.P.No.192 of 2021 on the file of the Judicial Magistrate, Sulur, Coimbatore District and consequently, direct the third respondent to register the FIR based on the petitioner's complaint dated 19.10.2020.

For Petitioner : Mr.S.Adaikkappan @ Sithiraianandam

For Respondents : Ms.T.P.Savitha
Government Advocate (Crl.Side)
for R3

ORDER

Ms.T.P.Savitha, learned Government Advocate (Crl.Side) takes notice for the third respondent. By consent, the matter is taken up for final disposal at the admission stage itself, without issuing notice to the respondents 1 and 2.

2.This Criminal Revision Case has been filed against order dated 03.02.2021 made in C.M.P.No.192 of 2021 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District and consequently, direct the third respondent to register the FIR based on the petitioner's complaint dated 19.10.2020.

3.It is the case of the petitioner that she filed a complaint before the third respondent police/ Inspector of Police, Karumathampatty Police Station, Coimbatore District, which was assigned as C.S.R.No.319 of 2020, but the same has been kept in abeyance without any further action. Hence, she filed a petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate, Sulur, Coimbatore District. The trial Court after considering the averments made in the complaint found that the dispute between the parties is civil in nature and dismissed the petition. Challenging the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that the respondents 1 and 2 are none other than the brother's sons of the petitioner. The respondents 1 and 2 joined together and with the wrongful intention to acquire the property from the petitioner, threatened the petitioner for selling the said property. Therefore, the petitioner filed the complaint before the respondent/police, but, the same has been kept in abeyance without any further action. Thereafter, she approached the learned Magistrate seeking for a direction to the respondent to register the complaint. However, the learned Magistrate failed to appreciate the entire materials, simply dismissed the petition and hence, the same warrants interference in the hands of this Court.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6.Admittedly, the petitioner filed the complaint dated 19.10.2020 before the jurisdictional police/the third respondent herein, which was assigned as C.S.R.No.319 of 2020, without waiting for the out come of the complaint, the petitioner filed a petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate, Sulur, Coimbatore District on 30.12.2020. If at all that the respondent/police has not taken any action on the complaint, the petitioner should have approached the learned Judicial Magistrate, who can ask report from the jurisdictional police about the complaint given by the petitioner and also the enquiry made by them or the stage of the C.S.R number. The petitioner without adding the respondent/police straight away filed the petition under Section 156(3) Cr.P.C. However, the learned Magistrate, gone through the complaint filed by the petitioner and has come to the conclusion that a civil suit is pending between the parties and dismissed the petition.

7.In the light of the above facts and also on perusal of the records, it would reveal that dispute between the petitioner and the respondents 1 and 2 is purely civil in nature. The

respondents 1 and 2 are none other than the brother's sons of the petitioner and that the petitioner has to work out his remedy before the appropriate forum and, hence, this Court does not find any perversity or illegality in the order passed by the learned Magistrate. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

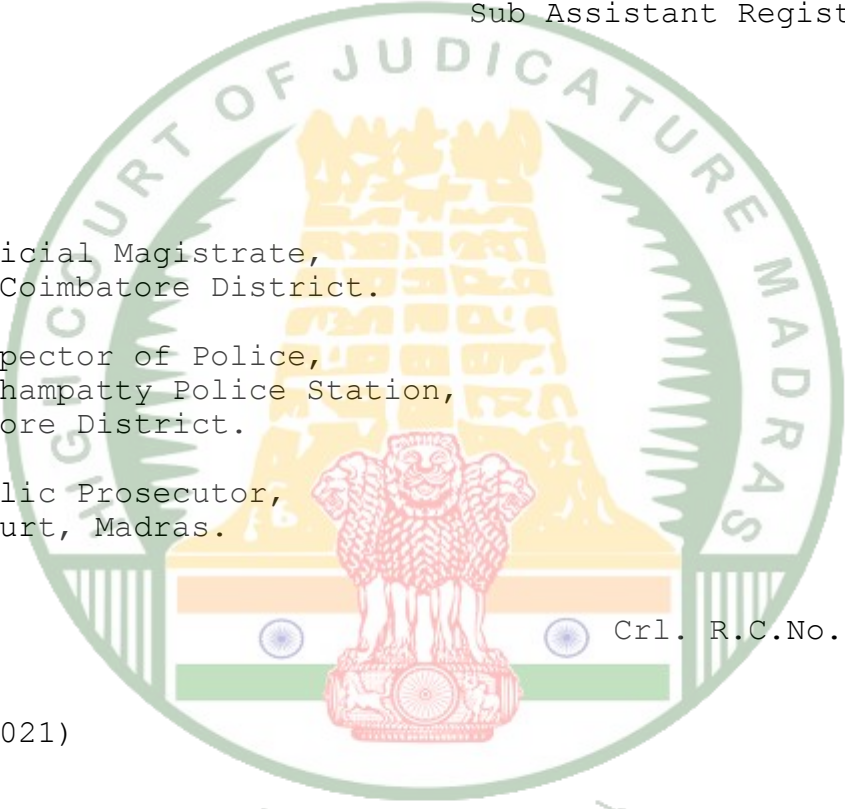
MS

To

1. The Judicial Magistrate,
Sulur, Coimbatore District.
2. The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Crl. R.C.No.176 of 2021

PL(CO)
TE(27/04/2021)



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