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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.733 of 2018

Thankamani . . . Petitioner/Complainant

Vs.

1.Chandrasekhar
2.Kannan
3.Uma

The Sub-Registrar, Nellikuppam. . . . Respondents/Accused

PRAYER: This Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., against the judgment dated 16.05.2018 in Crl.M.P.No.1305 of 2018 on the file of the learned Judicial Magistrate No.I, Cuddalore.

For Petitioner : Mr.S.Mohanasundararajan

For Respondent : No appearance

O R D E R

The unsuccessful private complainant is the revision petitioner herein.

2.The revision petitioner herein/private complainant has filed a petition in Crl.M.P.No.1305 of 2018, before the learned Judicial Magistrate No.I, Cuddalore, for the alleged offence under Sections 81 and 82(d) of the Indian Registration Act read with Sections 167, 198, 199, 201, 218, 219 221, 467, 471 and 474 of IPC.

3.The main contention of the revision petitioner herein/private complainant is that the land in Survey No.209/1 to an extent of 22.68 acres originally belongs to the great grandfather of the defacto complainant and there was a partition among the three sons of great grandfather of the defacto complainant, in the year 1972. The grandfather of the defacto complainant viz., Aadhimoolam Padayachi, Cuddalore Taluk, Naduveerapattu (Village), acquired his share vide document No.86 of 2017.



4.While the things be so, suppressing above said fact, the respondents have fraudulently sold the land under Sale Deed dated 27.06.1972 under document No.1062 of 972 and third respondent has also in connivance with the accused 1 and 2/respondents 1 and 2 herein. Accused 1 and 2 are the relatives, whereas, third accused is the Sub-Registrar.

5.The learned Magistrate after going through the records has found that the property in question in document No.86/2017, manipulated by the third respondent/Sub-Registrar Office.

6.The first respondent's father viz., Kothandapani Padayachi, has filed a suit in O.S.No.407 of 1994, before the learned District Munsif Court, Cuddalore and obtained a decree on 19.08.1994 itself and the same was admitted in the complaint. Furthermore, on the date of the pronouncement of the orders by the learned Magistrate, the said decree passed in the above said suit in O.S.No.407 of 1994 has not been challenged.

7.Furthermore, the suit in O.S.No.407 of 1994, before the learned District Munsif Court, Cuddalore, the first respondent's father has obtained decree and it is still in force. As against the same, the father of the first respondent herein has filed a suit in O.S.No.98 of 2018, but regarding the same, he has not produced any documents as could be seen from the impugned order.

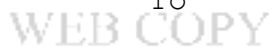
8.Hence, the learned Magistrate has come to the conclusion that there is a partition among the family members. Pursuant to the partition deed, the Sale Deed has been effected on 20.04.1994. The purchaser of the property namely the father of the first respondent has filed a suit in O.S.No.407 of 1994 and has obtained a decree against the present complainant and hence, the observation made by the Trial Court that the matter is civil in nature, does not warrant any interference by this Court.

9.Accordingly, this Criminal Revision Case stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

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