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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.507 of 2021

A.Lilly Mary ... Petitioner/Complainant
Vs.

1. State Represented by
Inspector of Police
Ambur Town Police Station
Ambur

2.M.Nagarajan ...Respondents/Respondents

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to call for the records pertaining to Crl.M.P.No.1822 of 2021 passed by the Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District and set aside the order dated 04.05.2021 by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.S.Sugendran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The Criminal Revision has been filed against the order in C.M.P.No.1822 of 2021 dated 04.05.2021 passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.

2. The petitioner had filed a petition under Section 156 Cr.P.C. before the learned Judicial Magistrate, Ambur, in C.M.P.No.1822 of 2021 and the learned Magistrate dismissed the same. Challenging the said order, the petitioner has filed the present revision before this Court.

3. The learned Counsel for the petitioner would submit that the private respondent entered into the land of the petitioner and attempted to take away the life of the petitioner and her husband. Therefore, the petitioner made a complaint before the



1st respondent. Since, the 1st respondent failed to investigate the matter properly, the petitioner approached the Court and the learned Magistrate directed the 1st respondent by order dated 01.04.2021 to register the case and investigate the matter and to file a report. Despite, that only C.S.R. number was given and the respondent police without properly investigating the matter, closed the complaint. Against which, the petitioner approached the magistrate invoking Section 156 Cr.P.C. vide CMP No.1822 of 2021 and the learned Magistrate without considering the same, finding that prima facie case was not made out, dismissed the same which warrants interference.

4. The learned Government Advocate (Crl. Side) would submit that there is no proof to show that the 2nd respondent trespassed into the property and threatened the petitioner. Therefore, the learned Magistrate rightly observed and dismissed petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials, on record.

6. Though the petitioner filed a complaint before the 1st respondent police, after enquiry it was found that the case was civil in nature. Further, the petitioner filed a private complaint before the Magistrate invoking Section 156 Cr.P.C. and the learned Magistrate found that the dispute was civil in nature, dismissed the same. Admittedly, the complaint of petitioner against the second respondent is pending and since, he tried to change the colour of civil dispute into criminal in nature, the learned Magistrate has rightly dismissed the petition. Therefore, there is no merit in the revision and the revision is liable to be dismissed.

7. Accordingly, the Criminal Revision case is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dsn/ksa-2



1. The Additional District Munsif
cum Judicial Magistrate,
Ambur, Vellore District

3. The Public Prosecutor Officer, High Court, Madras.

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