



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.559 of 2021

M.Shanthi

... Petitioner/Complainant

Versus

1.The Inspector of Police (Crime),
B1, North Beach Police Station,
Chennai - 600 001.

2.B.Naresh

... Respondents/Respondents

Criminal Revision Case filed under Sections 397(1) of Criminal Procedure Code, to allow the above Criminal Revision Case by setting aside the order dated 17.03.2021 made in CrI.M.P.No.12 of 2021 by the learned VII Metropolitan Magistrate, George Town, Chennai - 600 001 and consequently direct the 1st respondent herein to conduct investigation upon the petitioner's complaint dated 28.11.2020 against the 2nd respondent herein and file a report within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.N.Mariappan

For Respondents : Mr.S.Sugendran
Government Advocate (CrI.Side)
for R1

O R D E R

This Criminal Revision Case has been filed against the order dated 17.03.2021 made in CrI.M.P.No.12 of 2021 by the learned VII Metropolitan Magistrate, George Town, Chennai - 600 001 and consequently to direct the first respondent to conduct investigation upon the petitioner's complaint dated 28.11.2020 against the second respondent and file a report within a stipulated period as may be fixed by this Court.

2.It is the case of the petitioner that she filed a



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complaint dated 28.11.2020 before the first respondent police, however, without registering the First Information Report, the first respondent police conducted a preliminary enquiry and closed the complaint. Subsequently, she has preferred a complaint under Section 156(3) Cr.P.C against the second respondent before the learned VII Metropolitan Magistrate, George Town, Chennai -600 001. The learned Metropolitan Magistrate, without considering the allegations levelled in the complaint simply dismissed the petition stating that the dispute between the parties is purely civil in nature. Challenging the said order, the petitioner filed the present revision case.

3.The learned counsel for petitioner would submit that taking advantage of the illiteracy of the petitioner, the second respondent forged the thumb impression of the petitioner and executed a sale deed. Hence, the petitioner filed the complaint before the first respondent police and they did not investigate the matter in a fair manner and simply closed the complaint. Therefore, the petitioner filed a private complaint under Section 156(3) Cr.P.C, without considering the allegations levelled in the complaint, the learned Metropolitan Magistrate simply dismissed the complaint on the ground that the dispute is purely civil in nature. Hence, the order passed by the learned Magistrate is liable to be dismissed.

4.The learned Government Advocate (Crl.Side) for the first respondent would submit that the dispute between the petitioner and the second respondent was from the year 2012 and the petitioner had not approached the Civil Court to resolve their dispute, but, instead she had lodged a complaint before the first respondent. After preliminary enquiry, the first respondent police closed the complaint stating that the dispute is purely civil in nature and directed the petitioner to approach the appropriate forum to resolve their dispute. Even though, the petitioner has not chosen to file a civil suit, she filed the criminal complaint and tried to convert the civil dispute into a criminal dispute. After due enquiry, the learned Metropolitan Magistrate rightly dismissed the petition.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent and also perused the materials available on record.

6.Admittedly, the first respondent police conducted the preliminary enquiry on the petitioner's complaint and also recorded the statement of the complainant under Section 161 Cr.P.C and found that the dispute is civil in nature and directed the petitioner to approach the Civil Court. Even though, the petitioner has not chosen to file a civil suit before the appropriate forum, she filed the complaint before



the learned Metropolitan Magistrate by invoking Section 156 (3) Cr.P.C. The learned Magistrate after considering the entire materials found that dispute regarding execution of documents is purely civil in nature and dismissed the petition.

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7. Considering the facts and circumstances of the case, this Court does not find any perversity in the order passed by the learned Magistrate and there is no merit in this revision and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. However the petitioner is at liberty to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The VII Metropolitan Magistrate,
George Town, Chennai - 600 001.

2.The Inspector of Police (Crime),
B1, North Beach Police Station,
Chennai - 600 001.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Mariappan, Advocate, S.R.No.47357

Cr1.R.C.No.559 of 2021

SJ(CO)
CT/18/10/2021