



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl. R.C. No. 912 of 2021

Chandra . . . Petitioner/Defacto Complainant

Versus

State Rep. by
The Inspector of Police,
S-16, Perumbakkam Police Station,
Chennai. . . . Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 397 r/w 401 of Crl.P.C. to set aside the order passed by the Learned Judicial Magistrate No.II, Alandur in C.M.P.No.1080 of 2021 dated 04.08.2021 and direct the respondent herein to register a case on the basis of the complaint given by her on 25.01.2021.

For petitioner: Mr.M.Rajkumar

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

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition filed under Section 156(3) of Cr.P.C. seeking direction to the respondent police to register a case against the proposed accused.

2.The case of the petitioner is that he purchased a property situated at No.43, M.G.R. Street, Ottiyampakkam, Sholinganallur Taluk, formerly Kancheepuram District, now Chengalpattu District from one Murugan through unregistered sale deed dated 10.08.2018 for sale value of Rs.14,70,000/-. It is further case of the petitioner that he is the absolute owner and he is in possession of the above said property and is having electricity and water connection in his name and that the property tax also is in his name. After purchase, he had put up a terraced building in the above said property and he had been enjoying the same. Subsequently, the vendor Murugan passed away leaving behind his



legal heirs. It is the further case of the petitioner that he has been living at Perungudi and kept the above said property under lock and key. Whiles, on 23.01.2021, the vendor Murugan's legal heirs viz., his wife Saraswathi and two sons had broken the lock and key and illegally trespassed into the property with intention to grab the said property from the petitioner. Coming to know about the illegality committed by the proposed accused, the petitioner had gone to the house on the next day at 11 a.m. and at that time, the said Saraswathi and her sons abused her with filthy language and attempted to outrage her modesty and thereby, the petitioner had filed a complaint to the first respondent on 25.01.2021. The respondent had conducted an enquiry in CSR No.112 of 2021 and thereafter, for the reasons best known, they had not taken any action. Thereafter, the petitioner gave a representation to the Deputy Commissioner of Police, St.Thomas on 11.05.2021 and the Deputy Commissioner of Police did not taken any action, thereby the petitioner had preferred a complaint under Section 156(3) of Cr.P.C. before the learned Judicial Magistrate I, Alandur. The learned Magistrate after taking into consideration the complaint and the documents filed along with it, had found that the petitioner made an attempt to give criminal colour to a civil dispute and dismissed the same, against which, the present revision has been filed.

3.Mr.M.Rajkumar, learned counsel for the petitioner would submit that the husband of the proposed accused after receiving an amount of Rs.14,70,000/- had executed unregistered sale deed and handed over possession of the property. The petitioner was living at Perungudi and taking advantage of the absence of the petitioner, the legal heirs of the said Murugan had trespassed into the property by breaking open the lock and key. Coming to know the illegality committed by them, when the petitioner went to the house on 24.01.2021 at about 11 a.m., the proposed accused joined together and threatened her with dire consequences. The petitioner had immediately given a complaint on 25.01.2021 whereas the respondent without registering a case, had conducted an enquiry in CSR No.112/2021. The petitioner had also given a representation to the Deputy Commissioner of Police, St.Thomas Mount, Chennai and no action has been taken, thereby warranting the petitioner to file a complaint under Section 156(3) cr.p.c. Despite specific allegations made by the petitioner in respect of abusive language and criminal intimidation, the learned Magistrate had dismissed the complaint stating that the complaint is civil in nature.



4.Mr.S.Sugendran, learned Government Advocate (criminal side) appearing for the respondent would submit that based on the complaint given by the petitioner, an enquiry was conducted in CSR No.112 of 2921. During enquiry, it was found that a civil dispute was pending between the parties in respect of possession. Since the property is a government property "Meikkal porampokku land", both the parties were directed to approach the jurisdictional civil court and both of them have agreed to approach the court and thereby, CSR was closed. The learned Magistrate finding that the dispute between the parties are civil in nature, had rightly closed the complaint. He would further submit that the complaint was not supported by affidavit of the petitioner.

5.Heard the learned counsels on either side and perused the material records.

6.Admittedly, there is a dispute with regard to the possession of the property. The property is Meikkal Poramboke land". Further, the proposed accused have filed O.S.No.141 of 2021 seeking for permanent injunction. The learned Magistrate finding that the civil suit in O.S.No.141 of 2021 for permanent injunction was pending before the District Munsif Court, Alandur, had dismissed the petition stating that the petitioner attempted to give criminal colour to a civil dispute. Perusal of the material shows that an attempt has been made by the petitioner to give criminal colour to a civil dispute. The courts have repeatedly deprecated the practice of attempt to convert the civil disputes into criminal complaints. I do not find any infirmity in the order passed by the learned Magistrate. The criminal revision petition stands dismissed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vri/shk

To

1.The Judicial Magistrate No.II,
Alandur.



2.The Inspector of Police,
S-16, Perumbakkam Police Station,
Chennai.

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

4.The District Munsif,
Alandur.

Crl. R.C. No.912 of 2021

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