



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.No.659 of 2021

Mageshwari,
W/o, Late D.A.Raji

... Petitioner

Versus

- 1.State rep by its
The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Inspector of Police,
B1 Dharmapuri Police Station,
Dharmapuri District.
3. Sujatha,
W/o, Parthasarathi
4. Parthasarathi,
S/o, not known

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 21.01.2020 made in Cr.M.P.No.4523 of 2019 on the file of the Judicial Magistrate Court No.I, Dharmapuri and directing the 2nd respondent to register a case against the respondents 3 and 4 on the basis complaint made by the petitioner herein.

For Petitioner : Mr.M.Jayachandran

For R1 & R2 : Mr.Raj Tilak
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order dated 21.01.2020 passed in CrI.M.P.No.4523 of 2019 on the file of the Judicial Magistrate No.I, Dharmapuri.



2. Brief facts of the case is that the petitioner/complainant had married to one Raji and out of wedlock, she had two sons namely Jayakumar and Manigandan and one daughter Sujatha/ third respondent herein. Her husband was running a business of making seat covers under the management of her two sons. Her sons were doing the business from their young age. Out of the earning from business, the husband of the petitioner had purchased several properties. Later, her daughter/ the third respondent herein had got married to one Parathasarathi / the fourth respondent herein, who belong to different community. Due to which, petitioner's family suffered a lot. Thereafter, there was no contact between her daughter and her family. Whilesso, the accused in order to grab the properties of the petitioner's husband, had spoken ill about the petitioner and her two sons to the petitioner's husband. Due to which, her husband was living separately for the past six years. Taking advantage of his loneliness, the accused had got a gift deed executed by her husband on 21.08.2013 and they grabbed the properties of her husband and continued to be in possession of the properties. Later, they have administered poison to the petitioner's husband and murdered him. Hence, the petitioner gave a complaint to Dharmapuri Police Station on 26.12.2018 and thereafter she sent several representations to the police authorities to take action against the accused. Further, the petitioner husband had Rs.30 Lakhs and 10 sovereign of gold with him and he had some original documents dated 10.09.1979, 16.04.1981 and 25.05.1992 of properties belonging to him. The accused had also committed theft of cash, jewels and the original documents. Hence, she has filed the complaint under section 156(3) CrPC., to register the case and to take action against the accused. The trial court found that it is a civil dispute pending between the petitioner and her daughter and son-in-law who are the respondents 1 and 2 therein and also found that no proof had been filed to show that her husband had 30 lakhs cash and 10 sovereign jewels, and also the original document with him and dismissed the same, against which, the petitioner has filed the Revision Petition before this Court.

3. Learned counsel for the petitioner would further submit that despite prima facie case has been made, the Judicial Magistrate has not passed any directions to register the case.

4. The learned Additional Public Prosecutor would submit that the complaint was given to the Inspector of Police, Dharmapuri Police Station and enquiry was conducted. During the said enquiry, it was informed by the petitioner that she will take action through the Sub-Collector, Dharmapuri and thereby



the petition enquiry was closed. Thereafter, the petitioner has filed the complaint before the Judicial Magistrate No.I, Dharmapuri. The learned Magistrate after perusing the materials on record finding that it is a civil dispute between the mother and her sons on one side and daughter and her husband on the other side, had dismissed the complaint stating that a civil dispute was pending between the parties and there was no prima facie case made out.

5. Heard the learned counsel for the petitioner and the Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. The learned Judicial Magistrate after perusing the complaint and the materials found that, the dispute was between the petitioner/mother and the respondents 3 and 4, who are her daughter and son-in-law, in respect of the properties belonging to the husband of the petitioner/complainant. The learned Magistrate has also held that a civil dispute was attempted to be projected as a criminal case and that no substantive material had been filed by the petitioner/complainant with respect to theft of cash, jewels and the documents. Having carefully gone through the materials on record, this Court is of the opinion that there is no infirmity or error in the order passed by the learned Magistrate. As there is no merit in the Criminal Revision Case, it is liable to be dismissed.

7. Accordingly, the Criminal Revision Case stands dismissed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Judicial Magistrate No.I,
Dharmapuri.
2. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.



3. The Inspector of Police,
B1 Dharmapuri Police Station,
Dharmapuri District.

4. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.Jaya Chandran, Advocate SR.No.57359

CRL.R.C.No.659 of 2021

PCH (CO)
GN (01/12/2021)