



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.491 of 2020

D.Ayyappan

.. Petitioner/Petitioner

Vs.

1.S.Lakshmanan

2.K.Selvam

3.A.Syed Abuthakeer

.. Respondents/Respondents

Prayer : This Revision Case filed under Section 397 r/w. Section 401 of Cr.P.C., to revise the order of the Judicial Magistrate, Uthamapalayam, Theni District, dated 05.08.2020, made in Crl.M.P.No.1870 of 2020 on the application having been filed for referring the complaint of the petitioner to the jurisdictional police, under Section 156 (3) Cr.P.C. for registration and subsequent investigation on the allegation as made in the complaint forthwith.

For Petitioner : Mr.S.Palani Velayutham

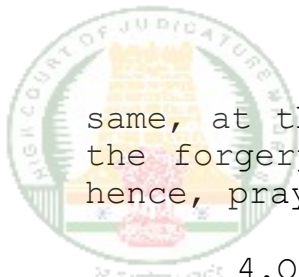
For Respondents : Mr.S.Ramasamy

ORDER

This revision has been filed to revise the order of the Judicial Magistrate, Uthamapalayam, Theni District, dated 05.08.2020, made in Crl.M.P.No.1870 of 2020 on the application having been filed for referring the complaint of the petitioner to the jurisdictional police, under Section 156 (3) Cr.P.C. for registration and subsequent investigation on the allegation as made in the complaint.

2.The revision petitioner lodged a private complaint before the Judicial Magistrate, Uthamapalayam in Crl.M.P.No.1870 of 2020, under Section 156(3) Cr.P.C. That petition was dismissed by the Judicial Magistrate. Against that order, the petitioner preferred this Criminal Revision.

3.On the side of the revision petitioner, it is stated that instead of forwarding the petition to the jurisdictional police, the Judicial Magistrate has dismissed the petition. The petitioner gave power deed in favour of the proposed accused, but, without the consent of the revision petitioner, the proposed accused sold five cents of land to third parties. The proposed accused forged the signature of the petitioner in the life certificate and presented the



same, at the time of registration of documents. Without considering the forgery, the Judicial Magistrate has dismissed the petition and hence, prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the properties belong to the revision petitioner. The petitioner executed a power deed in favour of the respondents 1 and 2 and the respondents 1 and 2 sold the property to the third respondent. The petitioner himself signed in the life certificate and the signature was not forged. The power deed was executed in favour of the respondents 1 and 2 on 13.08.2007. Till 2019, the petitioner has not taken any step to cancel the power deed. When the power deed is given to a person, the power agent is at liberty to sell the property. The only possible allegation against the respondents 1 and 2 is that, they failed to give the accounts properly.

5. A perusal of the records reveals that the revision petitioner and his family members executed a general power of attorney in favour of the respondents 1 and 2. The fact was admitted by the revision petitioner. The petitioner is questioning the signature in the life certificate, dated 12.07.2019. The claim of the respondents 1 and 2 is that the signature belong to the revision petitioner. Copy of the life certificates of the petitioner and his family members are annexed with the petition. The allegation against the respondents 1 and 2 is that they abused the petitioner and his family members in filthy language, threatened them and also attacked them with stick. No specific averment as to the abusive language used by the respondents 1 and 2 is stated in the complaint. No medical report as to the injuries caused to the petitioner is annexed with the complaint. Copy of the petition in Crl.O.P.(MD)No.20932 of 2018 was not annexed with the typed set. Though there are nine life certificates, only the petitioner has come forward with the complaint. A perusal of the records reveals that the matter between the parties has been referred to the Mediation Centre in Crl.O.P.(MD) No.20932 of 2018 and the allegations stated in the petition reveal that the dispute between the parties is civil in nature.

6. In the above circumstances, there is nothing sufficient enough to interfere in the order of the Judicial Magistrate. Hence, the revision petitioner can approach the appropriate Forum, for necessary relief, if he is so advised.

7. With the above direction, this Criminal Revision Case is dismissed.

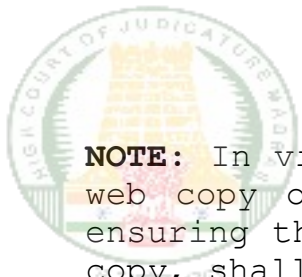
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

1. The Chief Judicial Magistrate,
Theni.
2. The Judicial Magistrate,
Uthamapalayam,
Theni District.
3. The Section Officer,
Criminal Section, (Records)
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

LS

TE : 31/03/2021 : 3P/5C

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