



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

Cr1.R.C. (MD)No.825 of 2021

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B.Mohanasundaram

... Revision Petitioner/Petitioner

vs.

1.The Inspector of Police,
D.1 Vilakkuthoon Police Station,
Madurai Town,
Madurai District.

2.A.S.B.Thiyagarajar

3.Manikumar

4.Selvanathan

... Respondents/Respondents

PRAYER : Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and to set aside the order dated 23.11.2020 in Cr.M.P.No.1752 of 2020 on the file of the learned Judicial Magistrate Court No.I, Madurai, and direct the first respondent to register the FIR as against the respondents 2 to 4.

For Petitioner : Mr.K.Baalasundharam

For Respondents : M/s.K.Asha

Government Advocate for R1

O R D E R

This Criminal Revision Petition has been filed against the order in Cr.M.P.No.1752 of 2020, dated 23.11.2020, on the file of the learned Judicial Magistrate Court No.I, Madurai.

2. The petitioner has filed a petition under Section 156(3) Cr.P.C. That petition was dismissed by the trial Court. Against the same, the petitioner has preferred this Revision Petition.

3. On the side of the revision petitioner, it is stated that the Judicial Magistrate has failed to consider that there was a imminent threat to the petitioner at the hands of the respondents 2 to 4. The respondents 2 to 4 trespassed into the petitioner's home. The petitioner called upon the respondent police and reference No.RAM20023589 was registered. The respondents 2 to 4 have committed offences on various dates. The trial Court has failed to consider that there is a prima facie case against the respondents 2 to 4, under Sections 294(b), 451, 452 and 506(2) IPC. Instead of forwarding the case to the first respondent, the trial Court dismissed the petition. The complaint comes under the scope of 190 (1a) Cr.P.C. and prayed the order to be set aside and the complaint to be forwarded to the police.



4. On the side of the prosecution, it is stated that the offence is civil in nature. Already a petition was filed by the petitioner (Current Paper No.21/Camp/COP-PG/ACP/Town/L&O/MC/2020) and the same was closed. Thereafter, this complaint for an allegation of an offence, similar in nature.

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5. A perusal of the records reveals that the petitioner has already filed a petition before the Commissioner of Police, not to interfere in the civil case, under the guise of the criminal case. A copy of the petition was filed in page No.1 of the typed set of papers. The petitioner had approached this Court in Crl.O.P.(MD) No.90 of 2020, not to harass the petitioner, under the guise of enquiry.

6. It is seen that on 28.02.2020, the petitioner has filed a petition before the Inspector of Police, Vilakkuthoon Police Station. Again, the same petitioner filed various petitions, before the Commissioner of Police, against some of his relatives on 02.03.2020, 17.03.2020, 01.07.2020, 08.08.2020 and on 17.08.2020.

7. The petitioner has filed a petition under Section 156(3) Cr.P.C. before the trial Court. The complaint against the private respondents, in which, the major complaint against the private respondents is trespassing. The petitioner himself has admitted that there is a civil case pending in O.S.No.97 of 2006 in I.A.No.381 of 2017. Order of the civil Court is not enclosed with the petition. The petitioner himself has already filed a petition before the police not to interfere in the civil matter, in the guise of the criminal case. The petitioner now claims that he is the sole owner of the property and the private respondents are trespassing into his property. The petitioner is trying to give criminal colour to the civil matter. Hence, there is no merits in the petition and the orders of the trial Court is hereby confirmed.

8. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

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.



1.The Judicial Magistrate No.I,
Madurai.

2. The Inspector of Police,
D.1 Vilakkuthoon Police Station,
Madurai Town,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MA (CO)

GC (30.11.2021) 3P 4C