



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

CrI.O.P. (MD) No.22278 of 2018

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C.Ravi

: Petitioner/Petitioner/
Petitionr

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.

3.The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.

: R1 to R3/Respondents /
Respondents /Respondents

4.Ramachandran

5.T.Rani

6.V.Mariammal

7.D.Selvarani

8.V.Rajendran

9.P.Kaliyamorthi

10.K.Samiyammal

11.Nagammal

12.V.Nathiya

: R4 to R12/Proposed Respondents

(R4 to R12 impleaded as per order
of this Court dated 25.10.2019in
CrI.M.P. (MD) No.9281 of 2019)

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to set aside the order, dated 06.10.2018 made in Cr.M.P No.2202 of 2018 by the District Munsif-cum-Judicial Magistrate, Orathanadu and direct the 3rd respondent to register the case on the complaint of the petitioner, dated 15.04.2018.

For Petitioner : Mr.A.C.Asaithambi

For R1 to R3 : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Criminal side)

**ORDER**

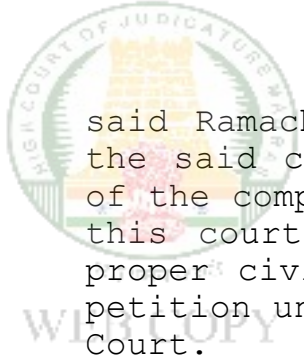
This petition has been filed by the petitioner to set aside the order, dated 06.10.2018 made in Cr.M.P No.2202 of 2018 by the District Munsif-cum-Judicial Magistrate, Orathanadu and direct the 3rd respondent to register the case, on the complaint of the petitioner, dated 15.04.2018.

2. The case of the petitioner in brief:-

The petitioner is the the owner of the property in Survey No.152/7 of an extent of 0.20.0 Ares situated at Pinnaiyur Village, Orathanadu, Taluk, Thanjavur District, by way of purchase. Since dispute arose with regard to the title between himself and the Government, he filed a suit in O.S No.46 of 2013 before the District Munsif Court, Orathanadu and it is pending. In that property, several tress worth about Rs.5,00,000/- were standing. On 14.04.2018, one Anna Ramanachandran cut and removed the above said standing trees with the help of JCB. He was the President of the Village and by utilising his political influence, he trespassed into the property and cut away the standing trees. So, a complaint was given by the petitioner, on 19.04.2018, but without preliminary enquiry, the 3rd respondent closed the complaint, on 02.06.2018. The Revenue Divisional Officer has also sent a letter in this regard. So, CrI.O.P(MD)No.9393 of 2018 was filed before this court. That was also dismissed, on 04.07.2018 with a liberty to approach the lower court. Thereafter, the petitioner filed a petition under section 156(3) and 200 Cr.P.C before the Judicial Magistrate, Orathanadu and it was taken on file in CMP, which is impugned in this petition. So this petition is filed seeking to set aside the order, dated 06.10.2018 made in Cr.M.P No.2202 of 2018 by the District Munsif-cum-Judicial Magistrate, Orathanadu and direct the 3rd respondent to register the case on the complaint of the petitioner, dated 15.04.2018.

3. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents 1 to 3/State. Even though notice has been served upon the respondents 4 to 12, none appears for them.

4. A simple issue is involved in this matter. On the earlier occasion, this petitioner filed CrI.OP(MD)No.9393 of 2018 seeking a direction to the 3rd respondent herein to register a case against the proposed accused on the basis of the complaint, dated 15.04.2018. After hearing, this court, by order, dated 04.07.2018 has observed that since suit is pending respect of the property under dispute, the relief cannot be granted. But however, liberty was given to the petitioner to work out his remedy before the civil court. But against this order, it appears that this petitioner again moved the Magistrate Court by filing the petition under section 156(3) Cr.P.C, which is totally in violation of the order, that has been passed by this court to the effect that it is civil dispute with the above



said Ramachandran, in respect of which, suit is also pending. In the said circumstances, registration of the complaint on the basis of the complaint given by the petitioner was thought not proper. So this court advised the petitioner to work out his remedy through proper civil process. Only on this ground, the petitioner filed a petition under section 156(3) Cr.P.C has been dismissed by the trial Court.

5. Absolutely, I find no illegality in the order passed by the this court. When this court has observed to the effect that the civil dispute is pending, the Magistrate cannot take cognizance of the very same complaint filed under section 156(3) Cr.P.C. So this court is not in a position to entertain the grievance of the petitioner and the repeated attempts on the part of the petitioner should not be entertained.

6. In view of the above, this criminal original petition stands **dismissed**, confirming the impugned order passed by the trial court.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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.

To,

1. The District Munsif Cum Judicial Magistrate,
Orathanadu,
Thanjavur District.
2. The Superintendent of Police,
Thanjavur District.
3. The Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.
4. The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.



5.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

Cr1.OP(MD)No.22278 of 2018
26.11.2021

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