



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.247 of 2022

T.Gayathiri

...Petitioner/Complainant

Vs.

1. S.Kannabiran

2. P.Arumugam

3. The Union Territory of Puducherry
represented by
The Inspector of Police,
CB - CID Police Station,
Puducherry 605 001

...Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C to call for the records in Crl.MP.No.3094 of 2021 on the file of the learned Judicial Magistrate No.III, Puducherry and set aside the same and allow this revision petition considering the facts and circumstances of the case.

For Petitioner : Mr.V.S.Senthilkumar

For Respondents

For R3 : Mr.V.Balamurugane,
Additional Public Prosecutor
(Puducherry)

O R D E R

This criminal revision case has been filed praying to call for the records in Crl.MP.No.3094 of 2021 on the file of the learned Judicial Magistrate No.III, Puducherry and set aside the same.

2.Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Puducherry) appearing for the third respondent.

3.The revision petitioner herein is the petitioner in Crl.MP.No.3094 of 2021 on the file of the Judicial Magistrate



No.III at Puducherry. Before the said court, she preferred a complaint under Section 156(3) of Cr.P.C. wherein prayed to direct the Station House Officer, CBCID Police Station, Puducherry to register F.I.R. based on the complaint dated 17.10.2020 and 06.11.2020 given by the complainant. After elaborate enquiry, Judicial Magistrate-III at Puducherry by order dated 20.04.2021, dismissed the petition stating that the dispute having by the petitioner with the accused is in civil nature. Challenging the same, the petitioner is before this Court with the present revision petition.

4.It is the contention raised by the counsel appearing for the petitioner that one, Kannabiran who is the friend of petitioner's father obtained fraudulent sale deed dated 29.09.1982 and 11.04.1984, therefore it would necessary to register a case against him.

5.Now on go through the averments found in the complaint, it would seen that the petitioner by way of this complaint, challenges the validity of the sale deed dated 29.09.1982 and 11.04.1984. In fact after 38 years, the petitioner herein challenges the validity of the above referred sale deeds. In general, only the civil court is having jurisdiction to declare the sale deed as null and void or to set aside the sale deed. Herein it is a case, without showing any prima facie case as to how the said Kannabiran and Arumugam committed a fraudulent act, this petition has been filed for lodging a case against those persons. In fact, instead of approaching the civil court, the petitioner approached the criminal court by way of filing this petition.

6.Therefore, as already stated this is a case of civil nature. Only in the circumstances that the petitioner has obtained a decree for declaration that sale deed dated 29.09.1982 and 11.04.1984 is a fraudulent one, then only she is entitled to lodge a complaint against those persons. In otherwise, this is not the time to prefer this complaint.

7.Accordingly, this Court confirmed the findings arrived by the trial court and this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

lok



To

1. The Judicial Magistrate No.III,
Puducherry
2. Do Thro Chief Judicial Magistrate,
Pondicherry.
3. The Inspector of Police,
CB - CID Police Station,
Puducherry 605 001
4. The Public Prosecutor (Pondicherry)
High Court of Madras.

Crl.RC.No.247 of 2022

GPL (CO)
RGA (17/03/2022)