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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C. No. 758 of 2022

1. Mrs.P. Neelavathi
2. D. Pazhani ..Petitioners

Vs.

1. Risi @ Riskika
2. Banu
3. M. Selvam
4. The Sub-Inspector of Police,
J-8 Neelankarai Police Station,
Chennai - 600 115. ..Respondents

Prayer: Criminal Revision Case under Section 397 & 401 IPC to set aside the order dated 02.05.2022 passed in C.M.P. No. 671 of 2022 on the file of Judicial Magistrate No.II, Alandur.

For Petitioners :: Mr.J. Rajmohan
For Respondents :: Mr.S. Vinothkumar
Govt. Advocate (CrI.Side)

O R D E R

This revision is filed as against the order dated 02.05.2022 passed by the learned Judicial Magistrate No.II, Alandur, in C.M.P. No. 671 of 2022, in and by which the application filed by the petitioners under Section 156(3) Cr.P.C. to direct the respondent Police to register the complaint dated 10.04.2022 and investigate the same was dismissed.

2. The learned Magistrate had found that the dispute was essentially encroaching upon the petitioners' land and putting up a compound wall, which is civil in nature and the criminal part of it, ie, hitting with bricks and causing injuries, as on the face of it, was unbelievable.

3. Such a view taken by the learned Magistrate in view of the judgment of Allahabad High Court rendered in Ram Khelawan V.



State of U.P. & 6 Ors cannot be found fault with. Therefore, the petitioners will be entitled to redress their grievance by way of instituting civil proceedings in view of the alleged encroachment by way of putting up a compound wall in their land.

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4. With the aforesaid liberty, the Criminal Revision case is disposed of.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Court of J.M.II, Alandur.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Chandrasekaran, Advocate, S.R.No.38041

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RGN(CO)
SB(04/07/2022)