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Crl.RC.No.1341 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1341 of 2022

Ramar

... Petitioner

Vs.

1. State represented by
Deputy Superintendent of Police
Anti Land Grabbing Cell
Tiruvannamalai

2. Ayothi

3. Jothi

4. Sakthi

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to call for the records pertaining order passed in Cr.M.P.No.1640 of 2022 dated 27.06.2022 on the file of Judicial Magistrate No.I, Tiruvannamalai and set aside the same.

For Petitioner : Mr.M.Subash

For Respondent-1 : Mr.S.Sugendran
Additional Public Prosecutor



ORDER

This Criminal Revision Case has been filed seeking to set aside the order in Cr.M.P.No.1640 of 2022 dated 27.06.2022 on the file of Judicial Magistrate No.I, Tiruvannamalai. .

2. The case of the petitioner is that he had given a complaint against the respondents 2 to 4 herein, before the District Superintendent of Police, Tiruvannamalai who in turn forwarded the same to the 1st respondent police for taking suitable action and on receipt of the same, the 1st respondent police issued summons to both the petitioner and the respondents 2 to 4, whereas the petitioner alone appeared before the 1st respondent police for enquiry the respondents 2 to 4 did not appear for enquiry. Even thereafter, the 1st respondent police failed to take suitable action against them despite prima facie case was made out for commission of cognizable offence. Hence, the petitioner filed a private complaint in Cr.M.P.No.1640 of 2022 before the learned Judicial Magistrate-I, Tiruvannamalai, under Section 156(3) Cr.P.C. seeking for a direction to register F.I.R. and to investigate the matter on the complaint given by the petitioner. The learned Magistrate after enquiry, dismissed the petition by order dated 27.06.2022. Aggrieved over the same,



now the petitioner has filed the present revision before this Court.

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3. The learned counsel for the petitioner would submit that on 04.02.2021, the petitioner had purchased a property comprised in Survey No.27/4B3, 28/8B6 and 28/8B7 situated at Attampalam Village measuring to an extent of 0.25.50 Ares from the 2nd and 3rd respondents for valid consideration vide document No.352 of 2021 on the file of the S.R.O. Vettakulam and after purchase of the same, when the petitioner approached the Tahsildar for transfer of Patta in his favour, he came to know that the sub division of the survey numbers were wrongly mentioned in his sale deed executed by the 2nd and 3rd respondents instead of the original survey Nos.27/4B4, 28/8B5 and 37/2B2 as per Patta No.8 stands in favour of the 2nd respondent who executed the settlement deed in favour of the 3rd respondent who is none other than his wife, vide doc.No.1424 of 2008. Immediately, the petitioner approached the 2nd and 3rd respondents for rectification of errors of wrongly mentioned sub division numbers. Though they agreed to carry out the same, they were evading to do so by telling one and other reasons and in the mean time, the petitioner came to know that the 2nd and 3rd respondents conspired with the 4th respondent and executed a



sale deed in favour of the 4th respondent vide document No.3626 of 2021 dated 29.12.2021 by correctly mentioning the survey numbers but without mentioning the boundaries of the very same property. Since it is a clear case of criminal conspiracy, criminal breach of trust and cheating, the petitioner lodged a complaint before the police and since there was no suitable action against the respondents 2 to 4 despite prima facie allegation was made out for commission of cognizable offence, the petitioner approached the learned Magistrate by way of filing a petition under Section 156 (3) Cr.P.C. seeking for a direction to register a case against the respondents 2 to 4, whereas, the learned Magistrate failed to consider the same and dismissed the petition stating that the allegations are civil in nature. Hence, present revision has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent police and also perused the materials on record.

5. It is seen that based on the complaint given by the petitioner, the respondent police have summoned the petitioner and enquired him and they



have also summoned the accused persons and during pendency of enquiry, the petitioner has approached the Magistrate by invoking Section 156(3) Cr.P.C. Therefore, the learned Magistrate has observed that the complaint is premature one and has rightly dismissed the petition.

6. This Court does not find any perversity or illegality or infirmity in the order passed by the learned Magistrate. Hence, the revision is liable to be dismissed. Both the parties are at liberty to work out their remedy before the proper forum in the manner known to law.

7. Accordingly, this Criminal Revision Case is dismissed.

20.09.2022

ksa-2

To

1. The Judicial Magistrate No.I, Tiruvannamalai

2. Deputy Superintendent of Police
Anti Land Grabbing Cell
Tiruvannamalai

3. The Public Prosecutor, High Court of Madras

5/6



WEB COPY

Crl.RC.No.1341 of 2022



P.VELMURUGAN,J.

ksa-2

Criminal Revision Case No.1341 of 2022

20.09.2022