

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.02.2022****CORAM:****THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN****Cr1.R.C. (MD) .No.35 of 2020****WEB COPY**

A.Veerabagu

...Petitioner/Petitioner

Vs.

1. Rajendran,
The Sub Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.

...1st Respondent/Respondent

2. The Inspector of Police,
Thattaparai Police Station,
Thattaparai,
Thoothukudi District.

...2nd Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. praying to call for the records and set-aside the order dated 12.11.2019 passed in Cr.M.P.No.12299 of 2019 on the file of the Learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District.

For Petitioner	:	Mr.K.Veilmuthu
For R-1	:	Mr.P.M.Vishnuvarthanan
For R-2	:	Mr.K.Sanjai Gandhi, Government Advocate(Crl. Side)

ORDER

This Criminal Revision Case has been filed as against the dismissal of the private complaint in Cr.M.P.No.12299 of 2019 on the file of the learned Judicial Magistrate No.I, Thoothukudi.

2. The petitioner and the first respondent are brothers. The case of the petitioner is that the first respondent herein had misappropriated a sum of Rs.2,75,000/-, which had been deposited in the fixed deposit by their mother. According to the petitioner, the petitioner was shown as nominee by his mother and thereafter, without any knowledge of the petitioner, the first respondent alone had withdrawn the said amount.

3. That apart, the petitioner's mother executed partition deed in favour of the petitioner and the first respondent and thereby allotted the property in Survey No.705/1 in favour of the petitioner. Even then, the first respondent did not allow the petitioner to take possession of the subject property. Therefore, the entire averments averred in the complaint are civil in nature and it is a dispute between the brothers. There is absolutely no



offence made out from the allegations levelled against the first respondent herein. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Judicial Magistrate No.I,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police,
Thattaparai Police Station,
Thattaparai,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-8541[F] dated 24/02/2022)

Cr1.R.C. (MD) No.35 of 2020
23.02.2022

MGJ(18.03.2022) 2P 5C