



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.52 of 2021

WEB COPY

P.A.S.Jannath Gani

... Petitioner/Petitioner

Vs.

1.Dawood Ammal

2.Abdul Khadar

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the order dated 08.08.2020 made in Crl.M.P.No.164 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvadaimarudur, Thanjavur District and allow the above Criminal Revision Petition.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : No appearance

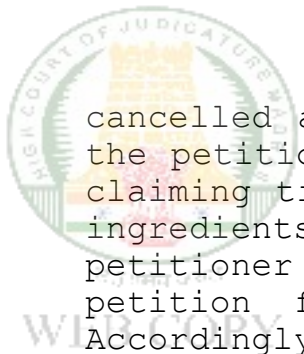
ORDER

This revision has been filed as against the order passed in Crl.M.P.No.164 of 2020, dated 18.08.2020, on the file of the District Munsif and Criminal Judicial Magistrate Court, Thiruvidaimarudhur, thereby dismissed the complaint filed seeking direction under Section 156(3) of Cr.P.C.

2.Heard the learned counsel appearing for the petitioner.

3.Though the names of the respondents have been printed in the cause-list, none appeared for the respondents either in person or through their counsel.

4.On a perusal of the complaint revealed that the petitioner claimed right over the property comprised in Survey No.165/1B admeasuring 3.78.0 hectares situated at Cholapuram Village, Kumbakonam Taluk through her mother Hameena Beevi, who purchased the said property by the registered sale deed, dated 25.01.1958. The first respondent herein is none other than her brother's wife and she claimed the said property as she is the legal heir of the said Hameena Beevi, since her husband pre-deceased the mother of the petitioner herein. On the settlement deed executed in favour of the second respondent herein, the second respondent obtained patta. The petitioner challenged the issuance of patta in favour of the second respondent before the concerned jurisdictional Revenue Divisional Officer and the patta issued in favour of the second respondent



cancelled and restored in the old name. Therefore, it is seen that the petitioner and the respondents are close relatives and they are claiming title over the property. Therefore, there is absolutely no ingredients to attract any of the offence as alleged by the petitioner and as such, the Court below rightly dismissed the petition filed for direction under Section 156(3) of Cr.P.C. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to approach the civil Court in the manner known to law, if she is so advised. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ps

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

The District Munsif cum Judicial Magistrate,
Thiruvadaimarudur,
Thanjavur District.

Order made in
Crl.R.C (MD) No.52 of 2021
09.03.2022

SB (CO)
GC (23.03.2022) 2P 2C