



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.75 of 2022

M.S.Ramesh

... Revision Petitioner/
Petitioner

Vs.

1.The State represented by
The Sub Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli-627 657.

...1st Respondent/
Complainant

2.V.S.Ramachandran

3.V.S.R.Jagadesh

...Respondent Nos.2 & 3/
Alleged Accused Nos.1 &2

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order in Crl.M.P.No.2387 of 2021 dated 26.11.2021 passed by the learned District Munsif cum Judicial Magistrate Court, Radhapuram, Tirunelveli District, and set aside the same, and consequently direct the first respondent to register the First Information Report as against the Respondent Nos.2 and 3, thereby allow the Criminal Revision Petition.

For Petitioner : Mr.G.Anto Prince

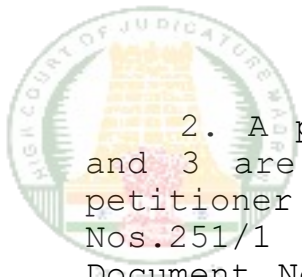
For Respondents : Mr.K.Sanjai Gandhi

Government Advocate for R.1

Mr.T.Selvan for R.2 & R.3

O R D E R

This petition has been filed to set aside the impugned order in Crl.M.P.No.2387 of 2021 dated 26.11.2021 passed by the learned District Munsif cum Judicial Magistrate Court, Radhapuram, Tirunelveli District and consequently, direct the first respondent to register the First Information Report as against the respondents 2 and 3.



2. A perusal of the complaint revealed that the respondents 2 and 3 are engaged in real estate business. On 20.05.2008, the petitioner purchased a plot of 2,100 sq.feet comprised in Survey Nos.251/1 and 252/2 from the second respondent and registered as Document No.1384 of 2008. On the same day, one Mr.K.R.Rathinavelan also had purchased a new plot from the respondents 2 and 3 herein who is adjacent to the petitioner's plot. On 29.05.2014, by virtue of Deed of Exchange, the above said plots were exchanged between the petitioner and the said K.R.Rathinavelan. In the year 2020, the Village Administrative Officer and the Village Thalaiyar removed the barbed wire fence erected by the petitioner in his plot by using the JCB. When the petitioner came to know that such property is classified as poramboke land, immediately, the petitioner approached the respondents 2 and 3 herein and they undertook to repay the sale consideration to the petitioner. However, they have not completed their undertaking and hence, lodged a complaint. Therefore, the allegations would make out *prima facie* case to register the FIR. Even then the learned District Munsif cum Judicial Magistrate Radhapuram, Tirunelveli District, without considering the averments, mechanically rejected the same as if all the allegations are civil in nature.

3. In view of the above the order passed in Crl.M.P.No.2387 of 2021 dated 26.11.2021, is set aside and the matter is remanded back to the concerned Court. The learned District Munsif cum Judicial Magistrate Radhapuram, Tirunelveli District, is directed to pass order on merits and in accordance with law after the perusal of the averments made in the complaint within two weeks from the date of receipt of copy of this order.

4. With the above observations and directions, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

To:

1.The District Munsif cum Judicial Magistrate,
Radhapuram,
Tirunelveli District.



2.The Sub Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli-627 657.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-6999[F] dated 18/02/2022)
Crl.R.C. (MD) No.75 of 2022
16.02.2022

MGJ(10.03.2022) 3P 5C