



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.305 of 2020

WEB COPY

1.Subbaiah

...Petitioner/3rd Party

Periyamuniyandi @ Muniyandi (died)

Chinna Muniyandi (died)

...Defecto Complainant

Vs.

1. State rep through its
The Sub Inspector of Police,
Nathampatti Police Station,
Srivilliputtur Taluk,
Virudhunagar District.

...1st Respondent/1st
Respondent/Complainant

2. Muthaiah Devar

...2nd Respondent/2nd Respondent/Sole
Accused

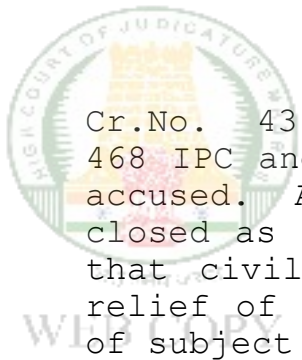
Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for records relating to the judgement dated 07.01.2020 in Cr.M.P.No. 925 of 2019 on the file of the Special Court for Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Cases, Virudhunagar at Srivilliputtur in Crime No.43 of 2013 on the file of the 1st respondent police and set aside the same and consequently direct the learned Special Court (PCR) Cases, Virudhunagar at Srivilliputtur to take cognizance for offences under section 465, 468 and 471 of IPC and Section 3(1)(f) and (g) of SC & ST Act.

For Petitioner	: Mr.T.Antony Arul Raj
For R1	: Mrs. M.Aasha
	Government Advocate (Crl.Side)
For R2	: Mr.Rajmohan

ORDER

This Criminal Revision Petition has been filed challenging the order dated 07.01.2020 in Cr.M.P.No. 925 of 2019, passed by the learned Judge, Special Court for Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Cases, Virudhunagar at Srivilliputtur, dismissing the protest petition filed as against the closure report filed in Cr.No. 43 of 2013, on the file of first respondent.

2.The petitioner lodged a petition under Section 156(3) Cr.P.C and it has been forwarded to the first respondent and registered in
<https://hcservices.ecourts.gov.in/hcservices/>



Cr.No. 43 of 2013, for the offences punishable under Sections 465, 468 IPC and Section 3(1)(f) and (g) of SC & ST Act, as against the accused. After conducting detailed investigation, the same has been closed as 'mistake of fact' by the first respondent for the reason that civil suit has been filed by the second respondent for the relief of declaration and injunction and it is pending, in respect of subject property.

3. Aggrieved by the same, the petitioner filed protest petition before the Special Court for Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Cases, Virudhunagar at Srivilliputtur and on receipt of the same the Court below examined 16 witnesses in support of the petitioner's case and found that the second respondent and his family members are in possession and enjoyment of said property. In fact, the revenue records revealed that even before 38 years, ie., Pasali 1386/1976-77 till 1408, the land stands in the name of Chinakaruppan and the second respondent is in possession and enjoyment of the same by way of cultivation. In fact, from the year 1957 to 1986, there is no encumbrance, in respect of subject property. Thereafter on 29.10.2009, the said Muthiyah, executed settlement deed in favour of his son Muthupandi. Thereafter on 09.11.2009, he executed sale deed in favour of other members of the family.

4. That apart, except the petitioner and the second respondent, there is another person claiming the subject property. Therefore, the second respondent rightly filed a suit for declaration and injunction in O.S.No.337 of 2012, on the file of District Munsif Court, Srivilliputhur and it is pending. Therefore, the Court below rightly dismissed the protest petition, after examining 16 witnesses and perused the documents. This Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Criminal Revision Petition stands dismissed
Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Special Judge,
Schedule Caste and Schedule Tribe
(Prevention of Atrocities) Act, Cases,
Virudhunagar at Srivilliputtur

2. The Sub Inspector of Police,
Nathampatti Police Station,
Srivilliputtur Taluk,
Virudhunagar District.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-9891[F] dated 03/03/2022)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-9933[F] dated
04/03/2022)

CrI.R.C. (MD) No.305 of 2020
02.03.2022

CK(CO)
KB(18.03.2022) 3P 6C