



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

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

Crl.R.C. (MD)No.322 of 2020

WEB COPY

Susi.Thamizhpandian

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police,
Theni District.

2. The Inspector of Police,
Devathanapatti Police Station,
Periyakulam Taluk,
Theni District.

..Respondents/Respondents

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the impugned order of the learned Judicial Magistrate, Periyakulam, dated 13.12.2019 made in Cr.M.P No.6751 of 2019 set aside the same, allow the criminal revision case as prayed for, direct the trial court to entertain the same and dispose of on merit.

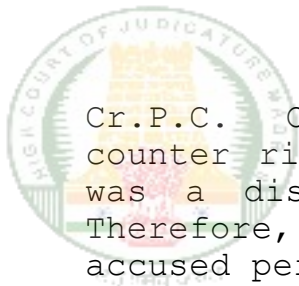
For Petitioner: Mr.T.Swathi Sankaravathanan

For R1 to R2 : Mr.M.Aasha
Government Advocate (Criminal Side)

ORDER

The petition has been filed to set aside the order passed by the learned Judicial Magistrate, Periyakulam in Cr.M.P.No.6751 of 2019, dated 13.12.2019.

2.On perusal of the complaint lodged by the petitioner, it is revealed that when the petitioner visited his father at Devathanapatti, on 22.10.2019, the property belonged to his father comprised in S.Nos.152/1, 152/2 and 153 trespassed by the accused persons and they were demolished the construction. When it was questioned by him, he was threatened by the accused persons with dire consequences. Immediately, he lodged a complaint and was issued C.S.R. Even, then, they did not take any action and as such, the petitioner had filed a petition before the learned Judicial Magistrate, Periyakulam, seeking a direction under Section 156(3) of



Cr.P.C. On enquiry, the learned Magistrate found that there were counter rival claiming over the property and in this regard there was a dispute between the petitioner and the counter parties. Therefore, there is no provision to register any case as against the accused persons.

WEB COPY

3. Therefore, the Court below had rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the learned Judicial Magistrate, Periyakulam in Cr.M.P.No.6751 of 2019. In view of the above, this criminal revision petition is dismissed. However, the petitioner is at liberty to lodge a private complaint, if so advised, in the manner known to law.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Superintendent of Police,
Theni District.
2. The Inspector of Police,
Devathanapatti Police Station,
Periyakulam Taluk,
Theni District.
3. The Judicial Magistrate, Periyakulam.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.T.SWATHI SANKARAVATHANAN, Advocate (SR-11915[F])

ORDER MADE IN

Cr1.R.C. (MD)No.322 of 2020

10.03.2022

PKP/22.03.2022/2P/6C

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