



Crl.R.C(MD) Nos.453 and 466 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.R.C(MD)Nos.453 and 466 of 2022
and
Crl.M.P(MD).Nos.5891 and 5972 of 2022

V.S.R.Jegadesh

... Petitioner in
Crl.R.C(MD).No.453 of 2022

V.S.Ramachandran

... Petitioner in
Crl.R.C(MD).No.466 of 2022

Vs.

1.The Sub Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.

2.M.S.Ramesh

... Respondents in both
Criminal Revision Cases

Common Prayer : This Criminal Revisions have been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records relating to the order



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in Cr.M.P(No).2387 of 2021 dated 23.04.2022 on the file of the learned Judicial Magistrate Court, Radhapuram, Tirunelveli District and set aside the same.

For Petitioners : Mr.S.Sankar
(In both Crl.R.Cs)
For Respondents : Mr.S.Manikandan
(In both Crl.R.Cs) Government Advocate(Crl.side) for R1

COMMON ORDER

These Criminal Revision Petitions are filed against the order passed by the learned Judicial Magistrate Court, Radhapuram, Tirunelveli District in Cr.M.P.No. 2387 of 2021 dated 23.04.2022.

2. The brief facts of the case in Crl.R.C(MD).No.453 of 2022 are as follows:

The second respondent herein originally filed a petition in Cr.M.P(MD).No. 2387 of 2021. He purchased the property situated in S.No.251 measuring to an extent of 2100 Sq.feet house site on 20.05.2008 from the first accused, namely, V.S.Ramachandran. On the very same day, one Rathinavelan also purchased another house site in the very same survey number measuring to an extent of 2100



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Sq.feet from the first accused. Later, on 29.05.2014, the above said K.Rathinavelu alleged to have been exchanged the property to the complainant. After that, he put up fencing around the property. Later, on 2020 July, the Village Administrative Officer removed the fencing. At the time of enquiry, he was told that the property was purchased by him from the first accused and it is a Government Poramboke land. Then only, the complainant came to know the real facts and so he approached the first accused and his son/second accused and enquired them. At that time, they promised to return the money within four months. Even after expiry of four months, they were not ready to settle the issue.

3. The brief facts of the case in Crl.R.C(MD).No.466 of 2022 as follows:

In the grounds, it has been mentioned that there is a dispute between complainant and the revision petitioner and it is purely civil in nature and he is aged about 70 years. After verifying the proper records only, the complainant purchased the property and without noting the fact that a civil dispute pending between the parties. The above said order has been passed without taking into the account of the earlier order passed by the very same Judge that it is purely civil in nature.



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4. No doubt, that the above said order has been passed in pursuance of the direction issued by this Court in Crl.R.C(MD).No.75 of 2022. The above said order has been passed by taking into the account the fact that the trial Court did not take into the account the relevant facts and the documents that were filed and now, the present order has been passed after going through the records and trial Court has observed that the property, which was sold to the complainant, does not belong to the first accused, so there is a *prima facie* case to refer the matter for investigation. So that order cannot be challenged now, this is the premature stage. Simply because the complaint forwarded to the first respondent for enquiry, that will not give the right to the proposed accused to challenge the above said order, till now, the FIR has not been registered.

5. On 14.02.2021, they again approached the accused persons. At that time, they were verbally abused and criminally intimidated him. On 15.02.2022 made a complaint before the Superintendent of Police, Tirunelveli. In the enquiry, the accused persons did not appear. Later, that enquiry was transferred to Thisayanvillai Police Station, wherein no proper enquiry was undertaken and the police officials insisted the complainant to give a statement to work out his



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remedy before the Civil Court. Since they were cheated by the accused persons and criminally intimidated, they filed a complaint and the same was dismissed by the order dated 26.02.2021. Challenging the above said dismissal order, the complainant filed Crl.R.C.(MD).No.75 of 2022, before this Court and that was allowed by the order dated 16.02.2022 and the matter was remitted back to the trial Court and the trial Court was directed to pass orders on merits.

6. In pursuance of the above said remand order, again the matter was restored to file and the trial Court on 23.04.2022 passed the present orders. The grievance of petitioners who are arrayed as accused before the trial Court, is that the order of dismissal has been recorded on 26.06.2021 without even considering the materials on record. The above said order has been passed without noting the fact that they are not involved in the above said issue between his father and the complainant to make a case for settlement and only they have been unnecessarily roped in.

7. The question, which has arisen for consideration, is whether the ground that has been made by the petitioners, is sufficient enough to interfere into the



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order of reference that was made by the trial Court. Absolutely, this Court is at loss to understand the grievance of the revision petitioners.

8. The learned Government Advocate appearing for the first respondent submitted by producing the entire CD file, in pursuance of the above said order passed in Cr.M.P.No.2387 of 2022, enquiry was undertaken. On perusal of the complaint, it shows that only the first accused was shown as accused and the second accused was not mentioned, so he was required to submit a proper complaint, but he refused. He would further submit that the second accused is a District Panchayath President and he is no way connected with the above said issue. So that report was submitted to the concerned Court.

9. According to the Government Advocate, the second respondent did not co-operate to complete the process of enquiry as directed by this Court. Whatever it may be, it is the duty of the first respondent to comply with the above said order. Even though the petitioners are not directly connected with the issue between complainant and his father herein, there is a specific allegation to the effect that they criminally intimidated the complainant by joining with the other



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accused on the particular date of occurrence. When there is a allegation of criminal intimation, it has got to be thoroughly enquired.

10. Absolutely, I find no reason to entertain the revisions, at the instance of the proposed second respondent. Now, the order passed by the trial Court does not suffer from any illegality or irregularity. Moreover, FIR has not been registered and since the petitioners are not arrayed as accused so far, the revisions are not maintainable. If the revision petitioners aggrieved by the outcome of the enquiry, that is going to be undertaken by the first respondent, they can work out their remedy through appropriate proceedings at the appropriate time. This is too earlier and premature stage to entertain the revisions and on mere direction of the trial Court, enquiry cannot be stalled at the instance of these revision petitioners. I find absolutely no merit in these revisions. Whether it is purely civil dispute or not is matter for consideration by the enquiry officer. The petitioners can very well participate in the enquiry and share information that are available with them.



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Accordingly, these Criminal Revisions Cases are dismissed with the above said liberty. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
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To:-

Judicial Magistrate Court, Radhapuram,
Tirunelveli District.



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G.ILANGOVA,J

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