



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) .No.606 of 2021
and
Crl.M.P. (MD) .No.2571 of 2022

K.Pushbam

...Petitioner

Vs .

1. The Inspector of Police,
Jaihindpuram Police Station,
Madurai.

2. The Commissioner of Police,
Commissioner Office,
Madurai.

3. Nagalakshmi

4. P.K.Krishnan

...Respondents

(R-4 impleaded as per order of this Court dated 07.12.2021 in Crl.M.P. (MD) .No.10812 of 2021 in Crl.R.C. (MD) .No.606 of 2021)

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records to set aside the order passed by the Judicial Magistrate No.IV, Madurai made in Cr.M.P.No.2767 of 2021 dated 23.08.2021 and to direct the 1st respondent to register the FIR based on the petitioner's complaint dated 12.07.2021.

For Petitioner	:	Mr.A.Rajaram
For R-1 and R-2	:	Mr.K.Sanjai Gandhi
		Government Advocate (Criminal Side)
For R-3	:	Mr.B.Sukumar

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.2767 of 2021, there by dismissing the complaint filed for direction under Section 156(3) of Cr.P.C.



2. On perusal of the complaint lodged by the petitioner, it revealed that the petitioner's daughter had entered into an agreement of sale with the proposed accused/the third respondent herein to purchase a house plot bearing Plot No.68 and thereafter, the sale deed was executed in favour of the petitioner on 13.06.2019. However, the said plot was already sold by her vendor's vendor by a registered sale deed dated 15.03.1991 in favour of one Balaiya P.K.Krishnan. The proposed accused and her husband knowing the fact that Plot No.68 was already sold by her predecessor in title, namely, Deivendran, even in the year 1991 itself, has misrepresented and cheated the petitioner and obtained sale consideration and executed sale deed in favour of the petitioner.

3. In this regard, already a suit has been filed in O.S.No.7 of 2020 on the file of the District Munsif Court, Madurai and it is pending. Therefore, the Court below rightly dismissed the petition and all the issues raised by the petitioner were civil in nature. Hence, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate relief in manner to law. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar

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 Judicial Magistrate No.IV, Madurai
2. The Inspector of Police,
Jaihindpuram Police Station, Madurai.
3. The Commissioner of Police,
Commissioner Office, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.RAJARAM, Advocate (SR-9656[F] dated 03/03/2022)

Crl.R.C.(MD).No.606 of 2021
and Crl.M.P.(MD).No.2571 of 2022
02.03.2022

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