



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.785 of 2021

S.Pugalenthir
... Revision Petitioner/ Complainant
Vs.

1.Thilagam Gowthaman
2.M.Balasubramaian
3.K.Kannan
4.K.Arthi
5.K.Arun
6.Ganesh @ Ganesh K.Pandian @ Ganesh Kangapandian
7.Balaji
8.Jainap Natchiya
9.Haja Mohaideen
10.The Joint Sub Registrar,
4th Joint Sub Registrar Office,
Madurai - South,
Madurai District.

... Respondents 1 to 10/ Accused

11.State of Tamilnadu,
Represented by Inspector of Police,
Koodalpudur Police Station,
Madurai.

... Respondent

Prayer: This Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records in Cr.M.P.No.2458 of 2021 on the file of the Judicial Magistrate No.IV, Madurai and set aside the order in Cr.M.P.No.2458 of 2021 dated 24.08.2021 passed by the Judicial Magistrate No.IV, Madurai.

For Petitioner : Mr.P.Saravanan

For Respondents 3&4 : Mr.J.Barathan

For Respondent 11 : Mrs.M.Aasha,
Govt. Advocate (CrI. Side)

ORDER

This criminal revision case has been filed as against the order passed by the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.2458 of 2021, thereby dismissing the petition filed for direction under Section 156(3) of Cr.P.C.



2.On a perusal of the complaint lodged by the petitioner revealed that he is a power of attorney of the brother, who is the husband of the first respondent herein. His brother owned property comprised in S.No.37/6 admeasuring 88 cents situated 4th Street, Park Town, Madurai. It was originally acquired by first respondent from her brothers by way of settlement dated 15.09.2009. While she was in aboard, she executed general power of attorney dated 28.06.2015 in favour of the petitioner herein. The petitioner in turn executed settlement deed for half portion of the property in favour of his brother. Subsequently, the said settlement deed was cancelled on 06.07.2010 and the same was challenged by way of suit in O.S.No.181 of 2010 on the file Additional District Munsif Court, Madurai. In fact, the cancellation of the said settlement deed was also challenged in W.P.(MD)No.3647 of 2017. The said suit was decreed on 12.12.2013 and based on the same, the petitioner had executed another settlement deed in respect of the remaining property in favour of his brother. While being so, the respondent had entered into a compromise with the petitioner in A.S.No.95 of 2013. As per the compromise, they agreed to ratify the cancellation of the settlement deed 06.07.2010. Thereafter, the respondents colluded among themselves and created encumbrance over the said property. Looked at from any angle, the issues are civil in nature. Therefore, the Court below rightly dismissed the petition seeking direction under Section 156(3) of Cr.P.C., and it does not warrant any interference from this Court. Hence, the criminal revision case is dismissed.

Sd/-

Deputy Registrar (Accounts)

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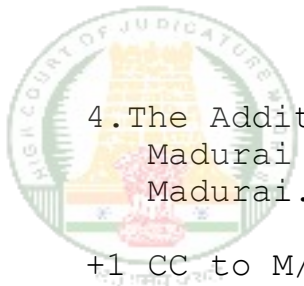
/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Joint Sub Registrar,
4th Joint Sub Registrar Office,
Madurai - South,
Madurai District.
- 3.The Inspector of Police,
Koodalpudur Police Station,
Madurai.



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

+1 CC to M/s.P.SARAVANAN, Advocate (SR-10033[F] dated 04/03/2022)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-9944[F] dated 04/03/2022)

CrI.R.C. (MD) No.785 of 2021
03.03.2022

RD(16.03.2022) 3P 7C