



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24/11/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.948 of 2022

R.Rajakumar : Petitioner/Petitioner

Vs.

- 1.Surjithkumar,
Managing Director,
Ever Green Renewable Private Limited,
No.4, STC College Road,
Perumalpuram Swimming Pool Near,
Perumalpuram,
Tirunelveli-7.
- 2.Gnanaprakash,
Assistant General Manager,
Ever Green Renewable Private Limited,
No.4, STC College Road,
Perumalpuram Swimming Pool Near,
Perumalpuram,
Tirunelveli-7
- 3.S.Shanmugavel,
Authorised Agent,
Ever Green Renewable Private Limited,
No.4, STC College Road,
Perumalpuram Swimming Pool Near,
Perumalpuram,
Tirunelveli-7
- 4.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi,
Thoothukudi District. : Respondents/Respondents



WEB COPY

PRAYER:-This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order of the Judicial Magistrate No.1, Srivaikundam, Thoothukudi District made in CrI.MP No.350 of 2020, dated 11/07/2022, dismissing the petitioner complaint forthwith.

For Petitioner : Mr.S.Palani Velayutham

For R1 to R3 : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For 4th Respondent : Mr.S.S.Madhavan
Government Advocate
(Criminal side)

O R D E R

This Criminal Revision has been filed seeking in order to set aside the order passed by the Judicial Magistrate No.1, Srivaikundam, Thoothukudi, dismissing his application, dated 11/07/2022 seeking for a direction to register a case against the accused persons.

2.The facts in brief:-

The revision petitioner filed a petition under



(i) The property in Survey Nos.52 and 60/2 in Kaliyavoor Village, Srivaikundam Taluk, Thoothukudi District belongs to him by way of purchase, on 30/01/2019. The first accused is the Managing Director of the company called 'M/s.Ever Green Renewable Private Limited, Mumbai-400 059'. The second accused is the Assistant General Manager and the third accused is the Authorised Agent of the above said company.

<https://www.mhc.tn.gov.in/judis>



07/02/2019 was also registered. Later, the accused persons defaulted in payment of the balance amount. But instead, they leased out the property to one Anuratha company for 29 years with an intention to usurp the property and thereby the accused persons cheated him.

(iii) On 03/10/2019 at about 2.00 pm, the accused persons were inspecting the property for the purpose of putting the windmill. At that time, the complainant approached them and asked about the balance payment. At that time, he was criminally intimidated and abused. He was also about to be assaulted and pushing him down also. On the basis of the above said occurrence, a complaint was given, on 03/11/2019, before the Murappanadu Police Station. But no action was taken. Again, a complaint was sent to the Superintendent of Police, Thoothukudi through registered post, on 24/01/2022. Since no action was taken, the above said petition has been filed seeking a direction before the trial court.

3. That petition was taken on file and it was referred to the police for enquiry and submit a report. The enquiry report was received and documents produced by



the revision petitioner was also considered. The trial court has recorded a finding, after going through records that criminal colour has been given to the civil dispute. It is also disbelieved on the ground that the property that was purchased, on 31/01/2019 for Rs.3,26,190/- was agreed to be sold to the accused persons, on 04/02/2019 for Rs.45,50,000/-. So the private complaint was dismissed by granting liberty to the complainant to work out his remedy through appropriate civil proceeding.

4.Challenging the above said order, this revision has been preferred.

5.Now the learned counsel appearing for the revision petitioner would submit that without going through the records properly, the above said finding has been recorded by the trial court.

6.Heard both sides. The entire enquiry file has been called and perused.



7.From the perusal of the enquiry file, it is seen that all the parties have been summoned and enquiry was undertaken and statement of the parties have been recorded.

8.Further CD file shows that there is allegation against the revision petitioner that he has forged the signature of the counter complainant. But however, this revision has been preferred against the order of dismissal that was passed by the trial court stating that documents, which are produced by the revision petitioner were not properly taken into account. So to know the real and ground fact only, the entire CD file has been called for and perused.

9.When the serious allegation against the revision petitioner was informed to the learned counsel appearing for the revision petitioner, he would say that there was no such forgery. When counter allegation of forgery has been made against the revision petitioner, according to me, the order of dismissal passed by the trial court, does not suffer from any illegality or irregularity.



10. In view of the above said facts, I find no merit in the revision and accordingly, it is liable to be dismissed.

11. In the result, this criminal revision is **dismissed.**

24/11/2022

Index: Yes/No
Internet: Yes/No

er

To,

1. The Judicial Magistrate No.1,
Sri Vaikundram,
Thoothukudi District.
2. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



8

G.ILANGOVA, J

er

Cr1.RC(MD)No.948 of 2022

24/11/2022