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Crl.R.C.No.1719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1719 of 2023

G.Gunasekaran

... Petitioner

Vs.

1.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.

2.Baranitharan

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 r/w.401 of Cr.P.C, prayed to call for the records in Cr.M.P.No.677 of 2023 dated 03.02.2023, on the file of the Judicial Magistrate No.I, Tiruvannamalai and set aside the same.

For Petitioners : Mr.B.Jawahar

For Respondent-1 : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the order passed in Cr.M.P.No.677 of 2023 dated 03.02.2023, on the file of the learned Judicial Magistrate No.I, Tiruvannamalai.



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2. The petitioner lodged a complaint with the respondent police on 26.11.2022 and forwarded the same to the Superintendent of Police on 16.12.2022. Since there was no action, the petitioner filed a complaint under Section 156(3) Cr.P.C. before the learned Judicial Magistrate-I, Tiruvannamalai, who taken the same on file in Cr.M.P.No.677 of 2023 and by an order dated 03.02.2023, dismissed the petition on the ground that earlier the petitioner lodged similar complaints in Cr.M.P.Nos.4106 and 4207 of 2022 against the named accused and the C.M.Ps. were dismissed. Further, the trial Court issued direction on the complaint filed by the petitioner against the same accused in Cr.M.P.No.4108 of 2022. In view of the multiplicity of the complaint, the petition got dismissed.

3. Learned Additional Public Prosecutor submits that on the petitioner's complaint dated 02.01.2023, a case in Crime No.4 of 2023 registered for offences under Sections 294(b), 341, 323 and 506(ii) of I.P.C.



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against one Bharanidharan and others. On conclusion of investigation, the case was closed as 'Mistake of Fact' on 16.03.2023. RCS Notice No.13 of 2023 dated 16.03.2023 was served to the petitioner and the closure report along with RCS notice filed before the concerned Magistrate Court. Hence, prays for dismissal of the above petition.

4. Considering the submission and on a perusal of the material, it is seen that earlier, the petitioner lodged a complaint and a case was registered. On completion of investigation, closure report was filed by the respondent and RCS notice was served to the petitioner. It is also seen that the dispute is between the petitioner and the named accused, who are adjacent land owners and the dispute is with regard to the boundary, extent of land between them and with regard to demolishing and construction of shops. This dispute is going on for some time. If the dispute is continuing, it is for the petitioner to file a protest petition and agitate the case before the concerned Court and not by filing similar petitions.



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M.NIRMAL KUMAR,J.

rsi

5. Accordingly, this Criminal Revision Case is disposed of with liberty to the petitioner to file a protest petition, if so advised.

12.10.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non speaking order

rsi

To

1.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.

2.The Judicial Magistrate No.I,
Tiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.

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