



CrI.R.C.No.946 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.946 of 2020

D.Dhanalakshmi

...Petitioner

Vs-

1. The District Superintendent of Police
Chinnakdu, Jaya Nagar, Thiruvallur District.
2. The Inspector of Police,
Pattabiram Police Station, Chennai.
3. Krishnaveni
4. Muthukrishnan
5. Vijayasri
6. P. Lathalet
7. Johnson

...Respondents

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records relating to the order passed by the learned Judicial Magistrate No.II, Thiruvallur, in C.M.P.No.2699 of 2019 dated 09.01.2020 u/s.156(3) of Cr.P.C. and set aside the same and direct the 2nd respondent to register the complaint dated 30.01.2019.



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For Petitioner : Mr.R.Radha Pandian

For Respondents : R.Murthi, Govt.Advocate (Crl.Side)
for R1 and R2
Mr.B.Gandhi for R6 and R7

ORDER

The petitioner preferred a complaint before the second respondent police and since no action has been taken by the second respondent police, he made representation before the first respondent. Thereafter, after completing investigation, the second respondent police closed the complaint stating that the dispute is civil in nature. Being not satisfied with the closure of the complaint, the petitioner filed a petition under Section 156(3) Cr.P.C. before the learned Judicial Magistrate No.II, Thiruvallur, in C.M.P.No.2699 of 2019. The learned Magistrate, after considering the petitioner, report of the respondent police and the objection, by an order dated 09.01.2020, closed the petition observing that there is no *prima facie* case to proceed further. Aggrieved against the same, the petitioner is before this Court with the present criminal revision case.



2 Heard the learned counsel appearing on either side and perused the materials available on record.

3 The petitioner is an adopted child of third respondent, who is wife of one deceased Deenadayalu. The petitioner and the respondents 3 to 5 being legal heirs of the deceased Deenadhayalu are fighting for their right on the immovable property, since the third respondent is said to have sold the property to the sixth respondent.

4 A careful reading of the entire materials would go to show that the dispute is purely civil in nature and the parties are fighting for their right on the immovable property. Even though the learned Magistrate has not passed detailed order, however she has stated that there is no *prima facie* case. A careful perusal of the complaint given by the petitioner and the statement given before the police under Section 161 Cr.P.C. shows that the dispute is purely civil in nature and civil suit filed by the petitioner is also pending between the parties.



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In view of the above, the parties are directed to workout their remedy in the manner known to law before the Civil Court.

6 With the above directions, this criminal revision case is disposed of.

09.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No

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1. The District Superintendent of Police
Chinnakdu, Jaya Nagar, Thiruvallur District.
2. The Inspector of Police,
Pattabiram Police Station, Chennai.
3. The Judicial Magistrate No.II, Thiruvallur.
4. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.,
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09 .01.2023