



Crl.R.C.No.1447 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1447 of 2023

Jaya

... Petitioner

Vs.

State by

The Inspector of Police,

Walajapet Police Station,

Ranipet District.

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 23.05.2023 in C.M.P.No.1042/2023 on the file of the learned Judicial Magistrate No.II, Walajahpet and to direct the respondent police to register FIR on basis of the petitioner's complaint dated 07.04.2022.

For Petitioner : Mr.M.Jaikumar



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ORDER

Challenge in this criminal revision case is made to the orders dated 23.05.2023 in C.M.P No.1042/2023 passed by the learned Judicial Magistrate No.II, Walajahpet.

2.The revision petitioner filed a private complaint under Section 200 Cr.PC before the Judicial Magistrate No.II, Walajahpet seeking direction to the Inspector of Police, Walajahpet Police Station to register an FIR and to investigate the case on the basis of the complaint preferred by her. In the complaint, it was alleged that she is the sister of one Radhakrishnan and one Jaishankar. The properties in S.Nos.53/9, 53/10 & 53/11 of Padiambakkam Village, Walajahpet Taluk, Ranipet District were purchased by her father Lakshmanapillai during 1977. According to the complainant, her father died on 22.08.2021 and thereafter, her brothers Radhakrishnan and Jaishankar without giving any share to her in the said properties had obtained pattas bearing No.336 & 382 in respect of the above said properties in their names by



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misrepresenting government officials. It is her contention that her brothers also sold a portion of the properties to one Subashini through a registered sale deed during 2021 and when this was confronted by her, both her brothers threatened her with dire consequences.

3.After perusing the complaint, the learned Judicial Magistrate No.II, Walajahpet dismissed the same by observing that the issue involved in this case is purely civil in nature and that the complainant should approach the concerned civil court. Aggrieved over the orders passed by the trial court judge, the present revision is filed.

4.Mr.M.Jaikumar, learned counsel for the revision petitioner contended that the learned Judicial Magistrate No.II, Walajahpet dismissed the complaint mainly on the ground that the dispute between the parties is civil in nature. His specific contention is that the brothers of the revision petitioner had cheated her by fraudulently getting pattas in their favour and also sold the properties in favour of some third parties. He therefore, prayed for directing the respondent police to register FIR



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against the complainant's brothers and to investigate the case.

5.The trial court had perused the following documents and also the sworn statement of the complainant before coming to the conclusion that dispute involved in the present case is civil in nature :

- (1) Sale deed bearing Doc.No.1896/1977 which stands in the name of Lakshmanapillai, father of the complainant and the respondents.
- (2) The registered sale deed executed by Radhakrishnan in favour of one Subashini on 20.10.2021 through which a portion of the lands belonging to revision petitioner's father was sold.
- (3) The complaint of the present revision petitioner lodged with the Inspector of Police, Ranipet Police Station and the complaint given to the Superintendent of Police, Ranipet.

6.In Para 7 of the orders, the Judicial Magistrate No.II, Walajahpet had observed thus :

"7. In the present case all the facts and circumstances of the case are within the knowledge of the complainant. From the



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complaint and the documents placed on record, it appears that there is a land dispute between the complainant and her brothers Radhakrishnan and Jaishankar. The Sale Deed bearing document no. 1896/1977 had been filed along with the petitioner shows the same. The complainant submits that Radhakrishnan and Jaishankar had cheated, and intimidated. On the face of complaint and records, this court finds no accusation to be investigated. In the facts and circumstances of the case there is no requirement of collection of evidence by the police at this stage as the complainant can lead his evidence. Hence, the above facts are very clear that the issue involved herein is purely civil in nature and that the complainant should have resorted to civil remedy. This court of the view that the complainant has tried to convert a pure civil dispute into a criminal prosecution by misusing the process of law for the best known to her. No complaint lodged by the complainant discloses any cognizable offence, as discussed above, thus, this court is of the view that this petition is not meritorious and liable to be dismissed. In any event, so far as the materials available now are concerned, registration of a case by police and investigation cannot be ordered into this pure civil litigation and this court cannot direct the



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respondents as prayed for."

7. All the observations made by the trial court judge cannot be found fault with. When the revision petitioner/complainant states that she is entitled to get a share in her father's properties, she should have approached the civil court by way of filing a suit for partition.

8. In the result, the Criminal Revision Case is dismissed as devoid of merits. The orders dated 23.05.2023 in C.M.P.No.1042/2023 passed by the learned Judicial Magistrate No.II, Walajahpet, is confirmed.

29.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

- 1.The The Inspector of Police,Walajapet Police Station, Ranipet District.
- 2.The Judicial Magistrate No.II, Walajahpet.

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R. HEMALATHA, J.
mtl

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