



Crl.R.C.No.1472 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

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

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T.Ganapathi

... Petitioner

Vs.

1.Suleka

2.Suguna

3.Magesh

4.Murali

5.Arjunan

6.V.N.Palaniyappan

7.Selvam

8.Govindaraj

9.Karnan

... Respondents

Prayer : Criminal Revision filed under Sections 397 and 401 of Criminal Procedure Code to set aside the orders dated 12.05.2023 in

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C.M.P.No.2037/2022 on the file of the learned Judicial Magistrate No.1 at Kallakurichi.

For Petitioner : Mr.V.Gunasekar

ORDER

Challenge in this criminal revision case is made to the orders dated 12.05.2023 in C.M.P.No.2037/2022 passed by the learned Judicial Magistrate No.1, Kallakurichi.

2.The revision petitioner filed a private complaint under Section 200 Cr.P.C. against the respondents herein for the offences punishable under Sections 193, 196, 406, 417, 463, 467 & 468 IPC. Learned Judicial Magistrate No.1, Kallakurichi after perusing the documents and the deposition of the complainant and witnesses, dismissed the complaint under Section 203 Cr.PC on 12.05.2023. Aggrieved over the orders passed by the trial court judge, the present revision is filed.

3.The case of the revision petitioner / complainant is that the



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respondents 1 to 3 had approached the revision petitioner to sell their lands to him and also obtained money from him. However, on 29.03.2012, the accused created a forged sale agreement in favour of a third party / fifth respondent who in turn filed a suit in O.S.No.419/2018 before the Sub Court, Kallakurichi for specific performance of contract. According to the complainant, since the respondents 1 to 3 had created a forged sale agreement, they must be punished for the offences under Sections 193, 196, 406, 417, 463, 467 & 468 IPC.

4.Mr.V.Gunasekar, learned counsel for the revision petitioner contended that the respondents 1 to 3, namely, Sulekha, Suguna and Magesh promised the present revision petitioner / complainant to sell their land in his favor and also obtained money from him. However, they did not keep up their promise and on the other hand, they had executed a sale agreement in favour of Arjunan the fifth respondent on 29.03.2012 who in turn filed the suit in O.S.No.419/2018 before the Sub Court, Kallakurichi. According to him, the said suit was subsequently dismissed as withdrawn by him. The learned counsel for the revision petitioner



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would contend that since the respondents 1 to 3 had created a forged sale agreement, they must be punished for the offences as alleged in the revision petitioner's complaint.

5.At the outset, it may be observed that the property does not belong to the present revision petitioner. Even, according to him, the property belongs to the respondents 1 to 3 and that they had promised to sell the property in his favour. Strangely he contends that the respondents 1 to 3 had created a forged sale agreement in favour of the fifth respondent. If the respondents 1 to 3 have obtained money from the revision petitioner he has to file a civil suit to recover his money and no criminal colour can be given to a civil dispute. The learned Magistrate had considered all these aspects and dismissed the private complaint filed by the present revision petitioner.



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6.In the facts and circumstances of the present case, the Criminal Revision is dismissed. The orders dated 12.05.2023 in C.M.P.No.2037/2022 on the file of the learned Judicial Magistrate No.1, Kallakurichi, is confirmed.

28.08.2023

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

To

The Judicial Magistrate Court No.1, Kallakurichi.

R. HEMALATHA, J.



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mtl

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