



Crl.R.C.No.1427 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

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Natarajan

... Petitioner

Vs.

1.Shanmugam

2.Sagunthala

3.Sharmila

4.Babu

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order of dismissal dated 17.07.2023 in Crl.M.P.No.3455/2023 passed by the learned Judicial Magistrate, Katpadi and consequently direct the Inspector of Police, Lattheri Police Station to register FIR on the basis of the complaint dated 15.05.2023.

For Petitioner : Mr.G.Balamanikandan



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### **ORDER**

Challenging the orders dated 17.07.2023 passed by the learned Judicial Magistrate, Katpadi in Crl.M.P.No.3455/2023, the present revision is filed.

2.The revision petitioner filed a private complaint under Section 200 Cr.PC before the Judicial Magistrate, Katpadi, seeking direction to the Inspector of Police, Lattheri Police Station, to register an FIR and to investigate the case on the basis of the complaint preferred by him under Section 156 (3) Cr.P.C. The said private complaint was dismissed by the learned Judicial Magistrate, Katpadi by observing thus :

*"2.It is stated in the affidavit of the complainant that the accused persons have trespassed onto his land and dug sand using bulldozers and threatened him with dire consequences when questioned. A complaint was lodged with the concerned police for taking necessary criminal action against him. The police have not taken any action on the complaint.*



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3. In the present case all the facts and circumstances of the case are within the knowledge of the complainant. From the complaint and the documents placed on record, it appears that there is a dispute between the parties over the family land, which is a dispute of civil nature, and the photos enclosed with the complaint show that the bulldozers were digging the sand on land and didn't depict any crime scenes. In **Mitesh Kumar J Sha V The State of Karnataka and Ors Case**, our Hon'ble Supreme Court held that cloaking a civil dispute with a criminal nature in a bid to get quicker relief is an abuse of the process of law which must be discouraged. Hence, on the face of the complaint and records, this Court finds that a dispute of civil nature has been given criminal color in this complaint and no accusation is to be investigated. In the facts and circumstances of the case, there is no requirement for the collection of evidence by the police at this stage as the complainant can lead his evidence. In view of this, the present complaint under Section 156(3) Cr.P.C. is dismissed."



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3. Aggrieved over the same, the present revision is filed.

4. Mr.G.Balamanikandan, learned counsel for the revision petitioner contended that the respondents/accused trespassed into the petitioner's land and when this was confronted by the complainant, they threatened him with dire consequences. He further submitted that the petitioner's complaint was not at all considered by the police.

5. A perusal of the complaint shows that the respondents herein had allegedly trespassed into the property of the revision petitioner and dug sand using bulldozers. It is seen that the dispute between the petitioner and respondents seems to be of civil in nature and therefore, dismissal of the private complaint by the learned Judicial Magistrate, Katpadi cannot be found fault with. The learned Judicial Magistrate had gone into the complaint of the present petitioner and had passed a detailed order. I do not find any reason to interfere with the same.



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6. In the result, the Criminal Revision Case is dismissed. The orders dated 17.07.2023 in Crl.M.P.No.3455/2023 passed by the learned Judicial Magistrate, Katpadi, is confirmed.

**16.08.2023**

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

To

1.The Judicial Magistrate, Katpadi



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**R. HEMALATHA, J.**  
mtl

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