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Crl.R.C.No.1669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.R.C.No.1669 of 2023

Prakash Palani

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mangalam Police Station,
Villianur Circle, Puducherry.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C to set aside the order passed by the learned Judicial Magistrate No.IV, Puducherry in Cr.M.P.No.7407 of 2023 dated 25.08.2023 and direct the respondent police herein to register FIR on the basis of the complaint dated 29.07.2023 and to investigate the same.

For Petitioner : Mr.S.Kartik

For respondent : Mr.K.S.Mohandass,
Public Prosecutor (Pondicherry)
Assisted by,
Mrs.N.Danalatchumy



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ORDER

This Criminal Revision Case has been filed to set aside the order dated 25.08.2023 passed by the learned Judicial Magistrate No.IV, Puducherry in Crl.M.P.No.7407 of 2023 and direct the respondent police herein to register FIR on the basis of the complaint dated 29.07.2023 and to investigate the same.

2. In continuation and conjunction with the earlier order of this Court dated 10.10.2023, the learned Public Prosecutor (Pondicherry) had filed his counter which reads as follows:

“I, G. Velayan S/o Govindasamy aged 48 years and working Circle Inspector of Police, Villianur, Puducherr do hereby solemnly affirm and sincerely state

1. I humbly submit to state that on 11.06.2023, a petition received from Thiru. P. Prakash (52) S/o Pazhani, No. 16. Pillaiayar koil street, Radhpuram, Villupuram taluk. Tamilnadu through office of the Inspector of Police, Villianur Circle, Puducherry vide NO.163/fc/Pet/2023 in



which he stated that he is running a petrol bunk as a franchisee of M/s. Essar Oil Ltd., under the name and style of M/s. Prakash & Co. My petrol bunk is situated at Survey No. 41/4, admeasuring 12 Are(or) 22 Kuzhies 7 Veesams Dry Land at Kizhoor Village, Villianur Taluk, Puducherry and his petrol bunk M/s. Prakash & Co., is operated in the land which has a registered lease agreement for a period of 30 years from one Kumaar @ Selva Vinayagam and the same lease deed is duly registered on 16.03.2017 on the file of the Sub Registrar, Villianur as Doc. No. 275 of 2007 and lease agreement expires on 2047 for month rental basis an amount of Rs. 12,000/- and same was settled to him. But few days back, Thiru. Kumaar@ Selva Vinayagam had asking an advance amount Rs.25 Lacs and Monthly rental amount Rs.40,000/- and did not co operative the same deal. Since The Counter petitioner Thiru. Kumar @ Selvavinayagam and his henchmen are tied the rope entrance of the Petrol bunk and trouble to him. He requested necessary action against him. In this connection, necessary entices was made in the Station General Diary Vol.No.24. page No. 22. Sl. No.21. Dated. 11.06.2023

2. In this connection, necessary discreet enquiry was made, the petitioner Thiru. P. Prakash and the Counter Petitioner Thiru. Kumar@ Selva Vinayagam were called and



they appeared in Mangalam Police station on the same day. They were raised the allegation against them about the rental amount. The land owner/ Counter petitioner Kumar @ Selvavinayagam is his maternal uncle son (Petitioner Prakash). Both the parties petitioners were advised to settle the issue amicably without any Law and order problem in that areas. In this connection, necessary entices was made in the Station General Diary Vol. No.24. Page No. 24. Sl.No.42 Dated. 11.06.2023. In turn up the petitioner Prakash had running the petrol bunk after settled the issues.

3. It is further submits that on 29.07.2023 at 18.05 hrs, One Baskar (45) S/o Balaraman, who working as Manager in M/s Prakash @ Co Petrol bunk, Keezhur came to Police station and submitted a petition in which he stated that due to Monthly rental amount issues between his owner Thiru. Prakash and land owner Thiru. Kumar @ Selva Vinayagam. The Counter petitioner Kumar @ Selvavinayagam and his henchmen Jayasankar, Ilango, Kamal @ Balachandar are tied the rope in the entrance of Petrol bunk and stopped the selling the petrol to the general Public. As per the instruction of his owner Prakash, he lodged a complaint against them. In this connection, necessary entices was made in the Station General Diary Vol. No.31. page No. 39. Sl.No.35 Dated. 29.07.2023.



4. It is further submits, during enquiry with the alleged place, no one hindrance and illegal acts at the spot. The problem between both parties to rental amount issues. Since the issue is a civil in nature, the petitioner was advised to approach the civil court for their remedy and the NC was issued to complainant Baskar on 30.07.2023 vide No.32259. However, in order to prevent the untoward incident between them, the beat constables were instructed to monitor the said place in the village in order to prevent any law-and-order issues and no one Complaint was received from the owner of the Petrol bunk namely Thiru. Prakash S/o Pazhani on 29.07.2023. The petitioner Prakash and Counter petitioner Kumar @ Selvavinayagam were not settle the issues and the petrol bunk has not opening till date.

5. It is further submitted before the Hon'ble Court that the Counter petitioner Kumaar @ Selvavinayagam have never harassed the petitioner Prakash as stated in his petition, the petitioner is falsely alleging that the counter petitioner is harassing the petitioner and also suppressing the real facts in order to succeed his Petrol bunk issues.

6. Hence, it is prayed before this Hon'ble Court to dismiss the petition on merits in the interest of justice.”



Crl.R.C.No.1669 of 2023

3. It is seen that there is a dispute between the petitioner who is the owner of the petrol bunk and his maternal uncle's son, Kumar @ Selvavinayagam and the dispute is with regard to the rental amount. It is also brought to the notice of this Court that a civil suit has already been instituted by the petitioner in O.S.No.1185 of 2023 seeking declaration that Kumar @ Selvavinayagam is entitled to a monthly rent of Rs.5,000/- for the period from 16.03.2012 to 16.03.2047 as per the lease deed dated 18.07.2017 registered as document No.9564 of 2017. Since the dispute is of a civil nature, this criminal revision cannot be entertained. It is for the petitioner to approach the civil court for his remedy.

4. With the above observation, the criminal revision case is disposed of.

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06.11.2023



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To

1. The Judicial Magistrate No.IV, Puducherry
2. The Inspector of Police,
Mangalam Police Station,
Villianur Circle, Puducherry.
3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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