



Crl.R.C.No.1070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

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

Crl.R.C.No.1070 of 2023

G.Muthulakshmi

... Petitioner

Vs.

1. C.Ravi

2. Hari

3. Raghu

4. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

... Respondents

(R4 suo-moto impleaded as per
orders, dated 10.08.2023)

Prayer : Criminal Revision Case filed under Section 397 (1) r/w. 402 of Criminal Procedure Code, to set aside the order, dated 28.06.2022 made in C.M.P.No.12657 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore.

For Petitioner : Mr.L.Mouli

For Respondents : Mr.K.Selvakumar (for R1 to R3)

Mr.R.Vinothraja,

Government Advocate (Crl. Side)

(for R4)



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ORDER

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Challenging the orders dated 28.06.2022 passed in C.M.P.No.12657 of 2022 by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, the present Criminal Revision is filed.

2. The revision petitioner filed a private complaint under Section 200 Cr.P.C., before the Judicial Magistrate, Additional Mahila Court, Coimbatore against the respondents 1 to 3, seeking direction to the Inspector of Police, Vadavalli Police Station, Coimbatore to register FIR on the basis of the complaint preferred by the complainant under Section 156 (3) Cr.P.C. The said complaint was dismissed for non prosecution on 28.06.2022, aggrieved over which, the present Criminal Revision is filed.

3. Mr.L.Mouli, learned counsel for the revision petitioner contended that the revision petitioner / complainant is a senior citizen aged 69 years and that the respondents 1 to 3 are troubling her by removing the fence put up by the complainant.



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4. Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the 4th respondent/Police contended that the complaint lodged by the revision petitioner with the Vadavalli Police Station, Coimbatore was enquired in C.S.R.No.199/2022 and subsequently it was closed on 01.04.2022 on the ground that the matter in issue between the parties is purely civil in nature.

5. A perusal of the private complaint filed by the revision petitioner shows that there is a dispute between the complainant and the respondents 1 to 3 with regard to the usage of pathway for which a suit in O.S.No.1536 of 2014 is pending before the District Munsif, Coimbatore and an Advocate Commissioner was also appointed in I.A.No.2121 of 2014 to inspect the suit property. The contention of the present complainant is that on 17.02.2022 the respondents 1 to 3 demolished the North-South compound wall of the property and that they also threatened the present petitioner / complainant with dire consequences.



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6. Thus the complaint clearly shows that the matter in issue between the parties is purely civil in nature and that already a civil suit is pending before the District Munsif, Coimbatore. Therefore, the revision petitioner / complainant is directed to workout his remedy in the civil suit and I do not see any reason to direct the 4th respondent Police to register an FIR and to conduct investigation in this regard. The Criminal Revision is dismissed accordingly.

08.09.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

1. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.



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R. HEMALATHA, J.

vum

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