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Crl.R.C.No.60 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.60 of 2023

Dr.J.S.Sindhu

... Petitioner

/vs/

The Inspector of Police
T-14, Mangadu Police Station
Mangadu, Chennai 600 122

... Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 & 401 Cr.P.C. to set aside the order passed by the learned Judicial Magistrate, Sriperumbudur dated 28.08.2022 in Crl.M.P.No.3165 of 2022.

For Petitioner

... Mr.R.Dakshina Murthy

For Respondent

... Mr.V.Meganathan
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case is filed against the order of the learned Judicial Magistrate, Sriperumbudur in Crl.M.P.No.3165 of 2022, dated 28.08.2022.



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2. The learned counsel for the petitioner submitted that the petitioner filed a private complaint against the accused person before the learned Judicial Magistrate, Sriperumbudur, which was numbered in Crl.M.P.No.3165 of 2022. After considering the complainant's case and arguments, the Trial Court found that there is no *prima facie* offence is made out for directing the police to register the case, dismissed the petition.

3. The learned counsel for the petitioner contended that the accused initially gave rent and subsequently claimed ownership of the property and also they are responsible for the death of the petitioner's husband. The Trial Court failed to consider the fact and dismissed the petition. Hence the order of the Trial Court is challenged.

4. I have considered the submissions of the learned counsel for the petitioner and perused the materials on record.

5. On perusal of the records, the fact reveals that the trial Court, in paragraph 7 of its order, observed that admittedly the complainant's husband died on 21.01.2021 due to cardiac arrest. The complainant gave a



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complaint against the accused on 14.07.2021, after 6 months of her husband's death. She has stated in the complaint that the accused are responsible for her husband sustaining cardiac arrest. Further during the life time of the petitioner's husband, it is claimed that the accused purchased the property by way of document No. 8191/2013. In these circumstances, in the year 2022, suspecting the sale deed, there is no *prima facie* case made out for forwarding the complaint to register the F.I.R., and investigation. Hence dismissed the petition. The Trial Court stated the reason and relied upon the judgment of the Hon'ble Supreme Court as mentioned in the impugned order. I find no infirmity in the order passed by the Trial Court and no prima facie offence is made out in the allegations as stated in the complaint. I find no merit in the Criminal Revision Case.

6. Hence this Criminal Revision Case is dismissed.

Index : Yes/No
Internet : Yes/No
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V.SIVAGNANAM,J.



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To
WEB COPY

1.The Judicial Magistrate,
Sriperumbudur

2.The Inspector of Police
T-14, Mangadu Police Station
Mangadu, Chennai 600 122

3.The Public Prosecutor,
High Court, Madras.

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