



WEB COPY



Crl.R.C.No.54 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

Crl.R.C.No.54 of 2023

Padmanabhan

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District.

2. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

3. Surya Kala
(R3 impleaded as per order dated
07.02.2023 in Crl.M.P.No.1496 of
2023 in Crl.R.C.No.54 of 2023)

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records and set aside the order dated 29.08.2022 passed by the Judicial Magistrate, Uthangarai, in Crl.M.P.No.1777 of 2022.

For Petitioner : Mr.M.Ravi

For Respondents 1 and 2 : Mr.R.Vinothraja, GA (Crl. Side)

For 3rd Respondent : Mr.T.Panchatsaram



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ORDER

Challenging the orders, dated 29.08.2022 passed in Crl.M.P.No.1777 of 2022 by the learned Judicial Magistrate, Uthangarai, the present Criminal Revision is filed by the petitioner.

2. The revision petitioner filed a petition under Section 156 (3) Cr.P.C., before the learned Judicial Magistrate, Uthangarai in Crl.M.P.No.1777 of 2022 seeking direction to the respondent Police to investigate the case based on the complaint given before the 2nd respondent / the Inspector of Police, Kallavi Police Station, Krishnagiri District. The learned Judicial Magistrate, Uthangarai after perusing the complaint dismissed the petition by observing that the entire dispute between him and the accused is civil in nature.

3. The present petitioner on an earlier occasion filed a petition under Section 482 of Cr.P.C., in Crl.O.P.No.6405 of 2022 before this Court for a direction to the same respondent Police, Kallavi Police Station, Krishnagiri District to register an FIR on the basis of the complaint given by the present petitioner. The said petition was allowed, based on which, the Inspector of Police, Kallavi Police Station conducted



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enquiry and closed the same stating that there is no material to register FIR against the accused and further action was dropped.

4. Mr.M.Ravi, learned counsel for the petitioner contended that the trial Court without taking into account the offence committed by the accused, had dismissed the complaint stating that it is civil in nature.

5. It is seen from the records that the accused has filed a suit for partition in O.S.No.63 of 2021 before the Sub Court, Uthangarai, seeking partition of the property which is the subject matter of the present complaint. Therefore, this Court directs both the parties to workout their remedy in the said suit. The learned Judicial Magistrate, Uthangarai had by a well considered order held that the dispute is civil in nature. I do not see any reason to interfere with the same and the Criminal revision is dismissed.

10.08.2023

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

R. HEMALATHA, J.

vum



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To
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1.The Judicial Magistrate,
Uthangarai.

2.The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

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