



Crl.R.C.No.358 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.358 of 2023

Andrew Mario Lewis

...

Petitioner

Vs.

Inspector of Police,
S-15, Selaiyur Police Station,
Pallikaranai, Tambaram,
Chennai – 600 073.

...

Respondent

Prayer : Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code to call for the records relating to the order in Crl.M.P.No.6265 of 2022 on the file of the learned Judicial Magistrate – 1, Tambaram and set aside the order dated 30.08.2022 and direct the respondent police, to register the complaint dated 27.05.2022 and initiate and lodge FIR against the accused.

For Petitioner : No appearance

For Respondent : Mr.R.Vinothraja
Govt.Advocate (Crl.side)



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ORDER

Challenging the order dated 30.08.2022 passed in Crl.M.P.No.6265 of 2022 by the learned Judicial Magistrate – 1, Tambaram, the present criminal revision petition has been filed.

2.The present revision petitioner filed an application before trial Court under Section 156(3) Cr.P.C seeking for a direction to the respondent police to register FIR on the basis of the complaint given by the present revision petitioner and investigate the matter. The said petition was dismissed by the learned trial Judge on 30.08.2022 in Crl.M.P.No.6265 of 2022 by observing thus:

“6.On going through the records and arguments advanced on petitioner side, it reveals that there is a dispute between the petitioner namely Andrew Mario Lewis and one Patrick Albert Williams in respect of immovable property claiming rights over the immovable property, for that effect the Patric Albert Williams filed a suit in O.S.No.173/2022 before the Hon'ble District court, Chengalpet on 05.04.2022



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challenging the settlement deed doc.No.490/2005 dated 28.01.2005 and the another settlement deed Doct.5373/2011 dated 11.01.2011 registered at SRO, Tambaram which was executed by Pragasi Doss in favour of her son L.P.Raj since claiming rights over the immovable property, the proper legal proceedings are initiated before the competent Court, by the said Patric Albert Williams as against this petitioner namely Andrew Mario Lewis and the same is pending. At this juncture, for the same alleged civil disputes filing this petitioner before this court is not sustainable. Since the above dispute are purely civil in nature.

7.In this context, in the judgement of Hon'ble Supreme Court in D.B.Thermax Ltd and other vs. K.M.Johny and other reported in (2012) 1 MLJ Crl 393, held that: “ In order to proceed under Section 156(3) Cr.P.c. complaint must disclose relevant material ingredients of criminal offence, but if there is a flavour of civil nature, the same cannot be agitated in form of criminal proceedings.” The above judgements is squarely applicable to the facts and circumstances of this petition and prayer. On this aspect this petition is



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not sustainable, since there is no prima facie criminal case is made out. Hence on considering above and in the interest of Justice this petition is dismissed as not sustainable.”

3.A perusal of the complaint shows that the dispute between the complainant and the accused is more of civil in nature and this aspect was considered by the trial Court while disposing the petition. I do not find any illegality in the order passed by the Judicial Magistrate No.I, Tambaram. Accordingly, the criminal revision case is dismissed.

Index: Yes/No

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Internet: Yes/No

Speaking/Non-Speaking order
sms

To

1. Inspector of Police,
S-15, Selaiyur Police Station,
Pallikaranai, Tambaram,
Chennai – 600 073.

2. The learned Judicial Magistrate – 1,
Tambaram.

3. The Public Prosecutor,
High Court, Madras.

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R. HEMALATHA, J.
sms

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