



CRP(MD).NO.46 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.46 of 2023

and

C.M.P(MD).No.252 of 2023

1.G.Rajini @ Rajiniammal

2.G.Venkatesan

3.G.Sundarraaj

... Petitioners/Defendants

Vs.

G.Selvam

... Respondent/Plaintiff

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned plaint in O.S.No.120 of 2022 dated 14.09.2022 on the file of the learned Principal District Munsif Court, Madurai.

For Petitioners : Mr.P.M.Vishnuvarthanan

ORDER

The defendants in O.S.No.120 of 2022 on the file of the Principal District Munsif, Madurai, are the revision petitioners herein.



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2. The aforesaid suit has been filed with the prayer that the defendants or their men or agent should not demand money unless by due process of law. According to the defendants, the said suit was filed by the plaintiff only to stall the criminal proceedings, which has been initiated by way of filing of an FIR in Crime No.328 of 2022 pending on the file of the Inspector of Police, Mattuthavani Police Station, Madurai. Therefore, it is the contention of the learned counsel appearing for the petitioners/defendants that the filing of the civil suit is an abuse of process of Court to stall the criminal proceedings. Hence, he has prayed for striking off the plaint.

3. The prayer in the plaint is not to demand money unless by due process of law. A perusal of the FIR in Crime No.328 of 2022 indicates that the plaintiff has been arrayed as the sole accused for the alleged offence of Section 420 of IPC. It is settled position of law that the pendency of civil proceedings cannot be a bar for proceeding with the investigation in a criminal case. Therefore, the apprehension of the revision petitioners/defendants is unfounded. On the said ground the plaint cannot be rejected.



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4. In view of the aforesaid facts, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.02.2023

Index : Yes / No
Internet : Yes / No
Rmk

To
1. The Principal District Munsif, Madurai.



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R.VIJAYAKUMAR ,J.,

Rmk

Order made in
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