



Crl.R.C.(MD).No.685 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.685 of 2023

Jesu Antony

... Petitioner

Vs.

1.The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.
(Crime No.157 of 2013)

2.Antony Raj
3.Annapackiyam
4.Syed Ali Justin
5.Anbu Iruthayam
6.Tamilarasan
7.Mary Jothip

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401

Cr.P.C., to call for the records to pass an order to set aside the order of the learned Special Judicial Magistrate, Land Grabbing, Tirunelveli, Tirunelveli District, dated 14.12.2022 in confirming the report of the 1st respondent referring the said case as mistake of fact in RCS.No.68 of 2022 in Crl.M.P.No.14548 of 2022 in Crime No.157 of 2013 on the file



Crl.R.C.(MD).No.685 of 2023

of the Inspector of Police Station, Radhapuram, Tirunelveli District.

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For Petitioner : Mr.S. Palani Velayutham

ORDER

The revision petitioner is the defacto complainant in Crime No.157 of 2013, on the file of the 1st respondent police. He preferred a complaint with the allegation that one Antony Raj and others without any title obtained patta in respect of 3 Cents of land belongs to him and made alienation.

2. The 1st respondent police conducted investigation and closed the First Information Report as a mistake of fact stating that this dispute is civil in nature and filed a final report before the learned Special Judicial Magistrate, Land Grabbing, Tirunelveli, Tirunelveli District. Against which, the petitioner filed a protest petition and the same was also dismissed by the above said Magistrate in Crl.M.P.No. 14548 of 2022. Challenging the same, the petitioner has filed the present revision.



Crl.R.C.(MD).No.685 of 2023

3. From the records it is seen that the claim of the petitioner that the land encroached by the respondents is a dispute to be decided in the civil Court and hence, the learned trial Judge correctly came into the conclusion that the issue involved in this case is civil in nature and the closure of the Investigating Officer is also in accordance with law. This Court does not find any reason to interfere with the order passed by the learned Trial Judge.

4. Accordingly, this Criminal Revision Case is dismissed without cost. The discussion made in the revision to test the validity of the impugned order of the learned Judicial Magistrate, does not cause any repercussion in the litigation filed before the Civil Court.

05.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



Crl.R.C.(MD).No.685 of 2023

To
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1. Learned Special Judicial Magistrate, Land Grabbing, Tirunelveli,
Tirunelveli District,
- 2.The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CrI.R.C.(MD).No.685 of 2023

K.K. RAMAKRISHNAN. J.,

trp

Order made in
CrI.R.C(MD).No.685 of 2023

Dated : 05.07.2023