



CrI.R.C.(MD)No.249 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.249 of 2018

Muthulakshmi

... Petitioner/Complainant

VS.

1.Chellamal

2.Thangaraj

3.Petchi Selvan

4.Thangaiyah

5.M.Mariappan

6.Mohana Lakshmi

... Respondents/Respondents

PRAYER : This Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the impugned dismissal order, dated 06.02.2018 made in Cr.M.P.No.204 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri and to set aside the same.

For Petitioner : Mr.N.Ramesh Arumugam

For R1 to R4 : Mr.C.Susikumar

ORDER

This Criminal Revision is filed as against the order passed in Cr.M.P.No.204 of 2018, dated 06.02.2018 on the file of the learned



District Munsif cum Judicial Magistrate, Sivagiri and thereby dismissed the complaint under Section 156(3) of Cr.P.C.

2.The petitioner lodged a complaint alleging that the subject property was owned by her mother by a registered release deed dated 22.12.1999 vide Document No.2191 of 1999. She had two female children. They had enjoyed the said property till her lifetime. She died on 12.07.2002. At that juncture, the petitioner and her sister were minors. Therefore, the first respondent had taken care of the subject property and maintained the said property, after they attained majority and her sister got married. Thereafter, they were directed to vacate the subject property. Since the sale deed was already executed in favour of the first respondent by their mother. It is seen from the sale deed, dated 25.07.2003 that it was executed by their father in favour of the first respondent. In fact, even in the year 2018 itself, the petitioner had became major and she did not lodge any complaint. Now they are alleging that her father never executed any sale deed and their father was impersonated by other persons and executed sale deed in favour of the first respondent. It is also seen that the petitioner's father never lodged any complaint sofar. Therefore, it is clear that when the petitioner and her sister were minors after death of their mother, their father had executed sale deed in favour



of the first respondent on 25.07.2003. Even after sale, the petitioner was permitted to reside there. After their marriage, they were directed to vacate the premises. Therefore, the entire allegations are not constituting any offence and the Court below has rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the trial Court. Hence, the revision is liable to be dismissed.

3. Accordingly, the Criminal Revision Petition is dismissed.

02.06.2023

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NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

1. The District Munsif cum Judicial Magistrate, Sivagiri.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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