



CrI.R.C(MD)No.861 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.861 of 2016

M.N.P.Samuvel

... Petitioner/Complainant

Vs.

1.Senthilkumar
2.U.Ma.Palaniappan
3.Narayanan
4.Velmurugam
5.Sankaralingam
6.Sankaravel

... Respondents/Accused

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order in CrI.M.P.No.2104 of 2016, dated 18.11.2016 passed by the learned Judicial Magistrate, Sankarankovil, Tirunelveli District and consequently order the relief as sought for in the said application.

For Petitioner : Mr.A.Uthaya Kumar

For RR 1 to 5 : Mr.R.J.Karthick



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ORDER

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This Revision has been filed against the order passed in Crl.M.P.No.2104 of 2016, dated 18.11.2016, on the file of the learned Judicial Magistrate, Sankarankovil, Tirunelveli District, thereby dismissing the petition seeking direction under Section 156(3) of Cr.P.C.

2.The case of the petitioner is that he lodged a complaint before the Inspector of Police, Sankarankovil Town Police Station, Tirunelveli District, alleging that the first respondent is running a real estate business in the name and style of 'Harihara Akshaya'. The respondents 2 to 6 herein are the agents of the first respondent. The respondents have promised that they have allotted the housing residential plot for the payment of monthly instalment basis. Therefore, the petitioner and his relatives agreed to purchase the housing plot from the respondents for the monthly instalment of Rs.300/-, and they also agreed to allot the residential plot at Udappankulam road near RC Church. On the assurance given by the respondents, the petitioner had paid a sum of Rs.1,98,900/-, his wife had paid a sum of Rs.1,01,400/-, his sister's husband paid a sum of Rs.50,400/- and his another sister paid a sum of



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Rs.14,700/- for purchasing the residential housing plot. Totally, the respondents received a sum of Rs.3,65,400/-. After payment was made by the petitioner and his relatives, they requested the respondents to allot the residential plots to them respectively. However, the respondents failed to allot any housing plots and also refused to return the amount. Though he lodged a complaint before the Inspector of Police, Sankarankovil, the Inspector of Police did not take any steps to register the First Information Report and as such, the petitioner approached the higher officials. Even after forwarding the same, the Inspector of Police did not take any steps to register the First Information Report. Therefore, the petitioner filed a petition in Crl.M.P.No.2104 of 2016 under Section 156(3) of Cr.P.C on the file of the learned Judicial Magistrate, Sankarankovil, for a direction to register the First Information Report. The learned Judicial Magistrate dismissed the petition by order, dated 18.11.2016. Challenging the same, the petitioner has filed the present Revision Petition.

3.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 5 and perused the materials available on record.



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4. On perusal of the order passed by the learned Judicial Magistrate, Sankarankovil, revealed that though the petitioner stated that he lodged a complaint before the jurisdiction police and thereafter, he lodged a complaint before the higher police officials, the petitioner failed to produce any document to that effect. Therefore, without following the procedure as contemplated under Section 154 of Cr.P.C., he cannot file a petition under Section 156(3) of Cr.P.C seeking direction. The learned Judicial Magistrate, Sankarankovil, has rightly dismissed the petition in Crl.M.P.No.2104 of 2016. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below and the revision is liable to be dismissed.

5. Accordingly, this Criminal Revision Case is dismissed.

06.03.2023

Index : Yes/No
Internet : Yes
ps



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To

- 1.The Judicial Magistrate,
Sankarankovil,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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