



Crl.R.C.(MD).No.1026 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.1026 of 2023

Carmal Ilango Bose

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

2. Joseph Stalin

3. Ravi

4. Durai Sekar

5. M.Jegan

6. Immanuel Sanjith

... Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and to set aside the order dated 28.07.2023 passed in Crl.M.P.No.1742 of 2023 on the file of the Judicial Magistrate No.I, Padmanabhapuram by allowing the criminal revision petition.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate(Crl.Side) for R1



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ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Padmanabhapuram in Crl.M.P.No.1742 of 2023, dated 28.07.2023.

2. Case of the prosecution:

The case of the prosecution is that the petitioner is functioning as the tresasurer of St.Antony Church and maintaining accounts and audit books and other related documents pertaining to the administration of the above Church under his custody. The original documents under his custody were produced in the civil Court in O.S.No.107 of 2020, on the file of the District Munsif Court, Padmanabhapuram on 13.12.2022 at about 03.00 p.m. The private respondents herein and others have illegally trespassed into the church and broken the money collection box (உண்டியல்) and demanded the documents pertaining to the church by using filthy language and damaged the properties and the same was recorded in the CCTV also. In such circumstances, the petitioner lodged a complaint dated 13.12.2022 to take cognizance on the said illegal act done by the private respondents herein and 7 others. The 1st respondent police after receipt of the complaint issued CSR.No.1283 of 2022. Thereafter, they have not come



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forward to register a case against the private respondents and hence the petitioner once again sent a complaint dated 29.12.2022 and filed a criminal miscellaneous petition in Crl.M.P.No.1742 of 2023 before the learned Judicial Magistrate No.I, Padmanabhapuram under Section 156(3) of Civil Procedure Code. The Court below, by its order dated 02.03.2023 passed an order to conduct preliminary enquiry within 7 days and take appropriate steps and directed to file a report within 30 days. After filing enquiry report, the Court below by an order dated 28.07.2023 dismissed the Crl.M.P.No.1742 of 2023 and the same is liable to set aside.

3. The petitioner herein has filed this Criminal Revision Case challenging the dismissal order passed in Crl.M.P.No.1742 of 2023, filed seeking the relief under Section 156(3) of Cr.P.C., to take action against the private respondents. Even as per the averment in the complaint, the suit is pending for rendition of the account relating to the maintenance of the church properties. The petitioner is also a member of the managment.

4. From the records, it is clear that there is a rival claim over the managment of the church properties between both the parties. Therefore, the



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allegation of criminal trespass in to the church and changing the lock of the money collection box (உண்டியல்) is the subject matter of civil case pending between them. Even in the pending civil suit, in O.S.No.107 of 2020, there is a pleading that passbook, key of the money collection box is placed before the Civil Court. Therefore, the petitioner filed this complaint by giving criminal colour to the civil dispute. Hence, this Court finds no merits in this case.

5. Accordingly, this Criminal Revision case stands dismissed. The order of the learned Judicial Magistrate No.1, Padmanabhapuram, in Crl.M.P.No.1742 of 2023, dated 28.07.2023 is hereby confirmed.

15.09.2023

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

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To

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1. The Judicial Magistrate No.I,
Padmanabhapuram.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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