



Crl.R.C.(MD) No.438 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.438 of 2023

S.N.K.Suresh Babu

... Petitioner/Petitioner

Vs.

1.Dineshraj

2.Vinothraj

3.Govintharajan

4.Ramachandran

**5.The State represented by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.**

... Respondents/Respondents

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No.2567 of 2019 on the file of the Judicial Magistrate No.I, Ramanathapuram dated 04.07.2022 by allowing this Criminal Revision Petition and to proceed further in according with law.



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For Petitioner : Mr.M.Mohamed Sherbudeen

For R5 : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No. 2567 of 2019 dated 04.07.2022 dismissing the petition filed under Section 156(3) Cr.P.C. on the file of the Judicial Magistrate No.I, Ramanathapuram.

2. Admittedly, the petitioner is a tenant under the third respondent and the respondents 1 and 2 are the sons of the third respondent.

3. It is evident from the records that the landlord has filed an eviction petition in RCOP.No.24 of 2013 and the same was ordered to be allowed, that the petitioner has preferred an appeal in RCA.No.1 of 2016 and the same was ordered to be dismissed on 07.10.2017, that C.R.P.(MD)(PD)No.83 of 2018 came to be dismissed, that the landlord has then initiated execution proceedings in E.P.No.39 of 2018 and the same is pending and that pending execution petition, the petitioner has preferred the above complaint. The learned Judicial Magistrate,



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taking note of the entire facts and circumstances and by specifically observing that the petitioner has not co-operated for the investigation of the police, that the petitioner has refused to accept the summons itself, that necessary action has already been taken against the petitioner and that the petitioner is not entitled to get the relief claimed, has dismissed the petition.

4. As rightly observed by the learned Government Advocate (Criminal Side), the petitioner has been attempting to blackmail the landlord during the pendency of the execution petition.

5. Considering the above facts and circumstances, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C. cannot be found fault with. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed. Accordingly, this Criminal Revision is dismissed.

21.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

csn

To:-

- 1.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.438 of 2023**

Dated: 21.04.2023