



Crl.R.C.(MD) No.1047 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1047 of 2022

S.Rajkumar

... Petitioner/Complainant

Vs.

1.Karuppasamy

2.Marisamy

3.Jeyakodi @ Jeyalakshmi

4.Meenal

5.Selvaraj

6.Balasubramanian

... Respondents/Accused

7.The Inspector of Police,
Aruppukottai Police Station,
Virudhunagar District.

...Respondent

*(R7 is suo motu impleaded as per order of the Court
dated 14.11.2022 in Crl.R.C.(MD)No.1047 of 2022)*



Crl.R.C.(MD) No.1047 of 2022

Prayer : This Criminal Revision has been filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records and set aside the order dated 18.08.2022 made in Crl.M.P.No.5532 of 2021 on the file of the Judicial Magistrate, Aruppukottai.

For Petitioner : Mr.P.Santhoshkumar
For R1 to R4 : Mr.S.Ragaventhre
For R5 : Mr.S.Suresh Manickam
For R6 : Mr.A.Robinson
For R7 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 5532 of 2021, dated 18.08.2022 dismissing the complaint filed under Section 200 Cr.P.C.

2. The petitioner/complainant, by claiming title over the property and by alleging that the respondents 1 to 6/accused had grabbed the land of the



Crl.R.C.(MD) No.1047 of 2022

petitioner, filed the present complaint for the offences under Sections 34, 120(B), 406, 420, 465, 468, 478, 474 and 506(1) IPC. The learned Magistrate, after conducting enquiry under Section 202 Cr.P.C., dismissed the complaint under Section 203 Cr.P.C. The learned Magistrate, by observing that the criminal Court cannot decide the right and title relating to the property and since the civil suit is pending between the parties, the same can be decided only by the competent civil Court and that the petitioner has been attempting to convert the civil case into criminal case, dismissed the complaint.

3. It is seen from the records that the second respondent has already filed a suit in O.S.No.140 of 2020 against the petitioner herein claiming relief of declaration that the property in dispute belongs to the second respondent herein and for the consequential permanent injunction restraining the petitioner herein from interfering with the peaceful possession and enjoyment of the property.

4. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 to 6 and the learned Government Advocate (Criminal Side) appearing for the 7th respondent.



Crl.R.C.(MD) No.1047 of 2022

WEB COPY

5. The learned counsel appearing for the respondents 1 to 4 would submit that the trial has already been commenced, that P.W.1 has already been cross-examined by the other side and that the case stands posted for the plaintiff's side further evidence. He would further submit that the second respondent has claimed title on the basis of the sale deed alleged to have taken on 20.09.1951 from one Aladiya Devar and that the second respondent has been granted compensation after acquiring a portion of the land in dispute.

6. The learned Government Advocate (Criminal Side) appearing for the 7th respondent would submit that the petitioner has filed a complaint on 03.11.2020 and the same was enquired into on 01.12.2020 and taking note of the civil nature of the dispute and the pendency of the civil suit, both the parties were directed to redress their grievances before the competent civil Court.

7. Considering the entire facts and circumstances of the case, the dismissal of the complaint under Section 203 Cr.P.C. by the learned Judicial Magistrate cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.



Crl.R.C.(MD) No.1047 of 2022

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8. In the result, this Criminal Revision Petition is dismissed.

18.04.2023

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

To

- 1.The Inspector of Police,
Aruppukottai Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.1047 of 2022

K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
Crl.R.C.(MD)No.1047 of 2022**

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