



Crl.R.C.(MD).No.15 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.15 of 2023

Chellasamy

... Petitioner

Vs.

1.Chinnaperiyasami Thevar

2.Selvaraj

3.The Inspector of Police,
Chendamar Police Station,
Tenkasi District.

... Respondents

(R3 is suo-motu impleaded as per order of the Court dated 20.12.2022 in Crl.R.C.(MD).SR39749 of 2022)

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to allow the petition by setting aside the impugned order passed by the learned Judicial Magistrate, Tenkasi, in Cr.M.P.No.2859 of 2022, dated 25.07.2022.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.M.Sakthi Kumar for R3
Government Advocate (Crl. Side)



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ORDER

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This criminal revision case has been filed to set aside the the impugned order passed by the learned Judicial Magistrate, Tenkasi, in Cr.M.P.No.2859 of 2022, dated 25.07.2022.

2.This revision petition has been filed on the ground that the property which was subjected to be sold by the second respondent, does not belong to him. By knowing the above said fact, he entered into the sale agreement and cheated the petitioner. This fact was not properly taken into account by the Enquiry Officer, namely the third respondent. At the time of making enquiry, he was not even summoned.

3.The learned Government Advocate (Crl. Side) submitted that summon was issued to the petitioner. But he did not appear, whereas, the second respondent appeared before the Enquiry Officer and gave a statement that he will work out his remedy through civil process. Only on that ground, the above said complaint was closed on 15.06.2022.

4.Even though doubt has been raised by the petitioner with regard to his appearance, the fact remains that there is serious allegations with regard



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to the ownership of the property. So the third respondent is directed to restore the above said complaint to the file and make fresh enquiry by summoning this petitioner as well as the counter petitioner and conclude the same on merits. The parties are at liberty to produce their documents to the Enquiry Officer and put forth their contentions. Depending upon the outcome of the enquiry, further process can be taken. The above said enquiry shall be completed within a period of **two** months from the date of receipt of a copy of this order.

5. With the above said directions, this criminal revision case is disposed of.

06.01.2023

Index : Yes / No
Internet : Yes / No
TM

To

1. The The Inspector of Police,
Chendamar Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAAN,J.

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