



Crl.R.C.(MD) No.540 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.540 of 2023

Edwin Prabhu

... Petitioner/Petitioner

Vs.

1.State, represented by
The Inspector of Police,
Anti-Land Grabbing Wing,
Soolakarai, Virudhunagar District.

2.Palpandi

3.Sivasankaran

4.P.Muthumurugan

5.P.Chokki

6.Subramanian

... Respondents/Respondents

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Cr.P.C., to call for the records relating to the order passed by the Judicial Magistrate Court, Aruppukottai in Cr.M.P.No.4431 of 2021 dated 15.06.2022 and set aside the same and allow the present criminal revision petition.



Crl.R.C.(MD) No.540 of 2023

For Petitioner : Mr.K.Gokul
For R1 : Mr.R.Sivakumar
Government Advocate (Crl. Side)
For R2 to R5 : Mr.S.Selva Aditya

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No.4431 of 2021 dated 15.06.2022 dismissing the petition filed under Section 156(3) Cr.P.C.

2. The case of the petitioner is that the petitioner purchased a land in his mother's name Pushpam on 25.01.2012 in Survey Nos.282/4 and 282/5 an extent of 3.45-1/2 cents, that the petitioner has also changed the patta in his mother's name in patta No.933 and has been in possession and enjoyment of the same, that in the meantime, his mother Pushpam was not well due to her old age and hence, the said land has been transferred to the petitioner's name vide gift settlement deed dated 30.04.2021, that subsequently, patta has been changed to the petitioner's



Crl.R.C.(MD) No.540 of 2023

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name in patta No.1199 and that the petitioner came to know that a forged document has been created and registered with regard to the said land.

3. It is further case of the petitioner that the petitioner, after coming to know about the same, approached the respondents 1 and 2 and when their action was questioned, they immediately attacked the petitioner and threatened him with dire consequences by showing aruval and that since the petitioner suffered mentally and physically, he was forced to lodge the complaint before the learned Judicial Magistrate, Aruppukottai.

4. The learned Magistrate has sought for a report from the concerned police and in pursuance of the same, the Inspector of Police, Town station has submitted a statement stating that a civil suit in O.S.No. 84 of 2012 is pending on the file of the District Munsif Court, Aruppukottai in respect of the property in dispute, that the petitioner has been added as fifth defendant in the said suit and that the petitioner by suppressing the suit has filed the complaint. In the report, it has been further stated that the petitioner by alleging that a forged Will was created sought action against the private respondents. It has been further



Crl.R.C.(MD) No.540 of 2023

observed in the report that since civil dispute was pending between the parties, advising both the parties to act as per the decision of the civil Court, closed the complaint.

5. The learned Magistrate, considering the petition filed by the petitioner and the report of the concerned police and other materials available on record, has observed that since that Panchavarnam had executed a registered Will dated 05.12.2021 and there existed civil disputes between the parties, the question of directing the first respondent to register a case does not arise and that since the petitioner has been attempting to convert the civil case into criminal case, he was not inclined to allow the petition.

6. On considering the entire facts and circumstances and also on perusing the materials available on record, the order of the learned Magistrate in 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.



Crl.R.C.(MD) No.540 of 2023

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7. In the result, this Criminal Revision Case is dismissed.

However, the petitioner is at liberty to file a private complaint under Section 200 Cr.P.C., if so advised.

06.06.2023

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

To:-

- 1.The Inspector of Police,
Anti-Land Grabbing Wing,
Soolakarai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.540 of 2023

K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.R.C.(MD)No.540 of 2023**

Dated: 06.06.2023