



Rev.Aplw(MD).No.239 of 2023

WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLW(MD).No.239 of 2023

in

W.P(MD)No.158864 of 2020

C.Susila

... Appellant

/Vs./

1. The Inspector General of Registration,
Department of Registration,
Santhom,
Chennai – 600 028.

2. The District Registrar,
District Registration Office,
Srivilliputtur,
Virudhunagar District.

3. The Sub Registrar,
Sub Registration Office,
Srivilliputtur,
Virudhunagar District.

4. K. Selvaraj

...Respondents

PRAYER: Review Application is filed under Section 114 of Civil Procedure Code, to review the Order passed by this Court in W.P(MD)No.15864 of 2020, dated 30.08.2023.



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For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader, for R-1 to R-3
: Mr.M.Jothi Basu, for R-4 & R-5

JUDGMENT

This review application is filed to review the Order, dated 30.08.2023 passed in W.P.(MD)No.15864 of 2020.

2. The petitioner contended that the 4th respondent has created false documents and committed criminal breach of trust. At the time of admission of the writ petition, another Learned Single Judge of this Court has *Suo Motu* impleaded the Inspector of Police and directed to take criminal action and also direction to take custody of the respondents 4 & 5. Aggrieved over the same, the respondents 4 and 5 had preferred writ appeal and the Hon'ble Division Bench had allowed the writ appeal and set aside the interim order.

3. After the order passed by the Division Bench there is no criminal proceedings against the respondents 4 & 5. When there is no



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criminal case against the respondents 4 & 5, then the petitioner was of liberty to initiate criminal proceedings against the respondents 4 & 5, but the petitioner has not preferred any criminal complaint for the said criminal offence. However, the petitioner has preferred a complaint under Scheduled Caste and Tribes (Prevention of Atrocities) Act. By taking note of the said complaint, this Court came to the conclusion that already a criminal complaint was preferred, but it was factually incorrect. Hence, the instant Review Application is filed.

4. On perusal of the Order passed in CrI.M.P.No.1998 of 2019, admittedly it is preferred only for the offence committed under Scheduled Caste and Tribes (Prevention of Atrocities) Act and not preferred for the criminal breach of trust.

5. But the Learned Counsel appearing for the respondents vehemently objected since as on date the petitioner has not preferred any petition before the competent police officials.



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6. After hearing the arguments and on perusing the papers, this Court is of the considered opinion that the petitioner is having right to prefer criminal complaint. Therefore, the petitioner is at liberty to prefer a complaint before the jurisdictional police authorities and the concerned authorities are directed to cognizance of the offence and investigate the same, as per Law. However, the respondents cannot plead any limitation for this investigation.

7. With these observations, this Review Application is disposed of. No Costs.

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Index : Yes / No
NCC : Yes / No

KSA



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S.SRIMATHY, J.

ksa

Order made in
REV.APLW(MD).No.239 of 2023
in
W.P(MD)No.158864 of 2020

15.12.2023