



Crl.R.C.No.15 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.15 of 2024

G.Rajamani

... Petitioner

Vs.

1.R.Elanchezhian

2.Ranganathan

3.The State rep.by

The Inspector of Police,
B3-Kanchipuram Taluk Police Station,
Kanchipuram District.

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the impugned order of dismissal dated 12.10.2023 passed in Crl.M.P.No.3094 of 2023 by the learned Judicial Magistrate No.1, Kanchipuram, and consequently, direct the third respondent to register the complaint dated 15.03.2023.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)



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ORDER

The Criminal Revision Case is filed against the impugned order dated 12.10.2023 passed in Crl.M.P.No.3094 of 2023 by the learned Judicial Magistrate No.1, Kanchipuram, and to direct the third respondent Police to register the complaint dated 15.03.2023.

2. The learned counsel appearing for the petitioner submits that the private respondents are having lands adjacent to the house of the petitioner and were constructing a new house by encroaching the petitioner's land. When it was questioned by the petitioner, the private respondents attacked the petitioner and her sons, for which, they sustained injury. She made a complaint before the third respondent Police, but instead of taking action against the private respondents, they have registered a false case against the petitioner and her family members in Crime No.166 of 2023 for the offence under Sections 294(b), 147 and 506(i) IPC and Section 67 of Information Technology Amendment Act. Therefore, she filed a petition under Section 200 of Cr.P.C in Crl.M.P.No.3094 of 2023 to pass an order under Section 156(3) Cr.P.C with a direction to the third respondent Police to register a



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case against the private respondents, however, the same was dismissed.

Challenging the same, the present petition has been filed.

3. The learned Government Advocate (Criminal side) appearing for the third respondent Police submits that it is a civil dispute between the parties and therefore, the trial Court has rightly dismissed the petition filed by the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the third respondent Police.

5. Though the petitioner claims that she and her family members were attacked by the private respondents for having questioned the encroachment made by the respondent in the land belonging to her, she has not produced any evidence to prove the same. From the facts narrated in the affidavit filed in support of this petition, it is clear that the dispute between the petitioner and the private respondents is civil in nature. Instead of approaching the civil Court, the petitioner has approached the criminal Court



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by filing a petition under Section 200 Cr.P.C and the trial Court has also rightly dismissed the petition by stating that it is a civil dispute between the parties, however, the petitioner has not filed any suit so far in relation to the dispute between them and she was granted liberty to approach the concerned Court, which cannot be interfered with by this Court. However, liberty is granted to the petitioner to file a civil suit before the concerned Court. If any such suit is filed, the civil Court is directed to consider the same and decide the matter on merits and in accordance with law, without influencing any of the observations made by the learned Judicial Magistrate No.1, Kanchipuram, as well as by this Court.

6. Accordingly, the Criminal Revision Case is dismissed.

01.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Judicial Magistrate No.1, Kanchipuram,



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M.DHANDAPANI, J.

ssb

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