



Crl.R.C.No.200 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.200 of 2022
and
Crl.M.P.No.2065 of 2022

Mahalingam

... Petitioner

Vs.

1.Gowri (Died)

2.The Inspector of Police,
Thittagudi Police Station,
Cuddalore District,
(Crime No.144 of 2018)

3.Sudha

... Respondents

[R3 impleaded as per order in Crl.M.P.No.8046 of 2022
in Crl.R.C.No.200 of 2022 dated 24.06.2022]

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C,
praying to set-aside the order dated 27.09.2021 in C.M.P.No.1667 of
2021 passed by the learned Judicial Magistrate, Tittagudi, Cuddalore.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondents : Mr.J.Antony Jesus [R1 & R3]

Mr.A.Gopinath

Government Advocate (Crl.Side) [R2]



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ORDER

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order passed by the learned Judicial Magistrate, Tittagudi, Cuddalore in Crl.M.P.No.1667 of 2021 dated 27.09.2021.

2. The case of the petitioner is that, the 1st respondent filed a complaint in Crime No.114 of 2018 alleging that the petitioner by forging the signature of the 1st respondent and other legal heirs of one Pavadai Pillai, who is husband of the 1st respondent and father of the 3rd respondent and created a sale deed in his favour. Objecting the same, he filed a complaint before the law enforcing agency in Crime No.141 of 2018 and the same was closed as 'mistake of fact' on 08.01.2020, for which, the 1st respondent filed a protest petition before the trial court in Crl.M.P.No.1667 of 2020 in Crime No.114 of 2018 and the trial court by its order dated 27.09.2021 ordered for further investigation in Crime No.114 of 2018 and directed the respondent police to file final report in accordance with law. Challenging the same, the present revision has been filed by the petitioner.



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3. The learned counsel appearing for the petitioner submitted that the dispute between the petitioner and the 1st respondent is purely civil in nature, which has to be ventilated only before the civil court. However, contrary to the settled principles, the trial court ordered for further investigation, which is unsustainable. Accordingly, he prays for allowing this revision.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the 2nd respondent submitted that the trial court ordered only for further investigation. He further submitted that, if the final report is filed implicating the petitioner as an accused, the petitioner can very well challenge the final report. However, prior to filing of final report, the petitioner has no locus standi to file the present revision before this court challenging the impugned order passed by the trial court. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the learned counsel, the learned counsel appearing for the respondents 1 and 3 and the learned Government Advocate (Crl.Side) appearing for the 2nd respondent and



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also perused the materials available on record.

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6. As rightly pointed out by the learned Government Advocate (Crl.Side) appearing for the 2nd respondent, that before filing of final report as against the petitioner, the petitioner has no locus standi to file a revision against the impugned order passed by the trial court and the cause of action raised by the petitioner also cannot be raised at this juncture. Therefore, this revision is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law, if the charge sheet is filed as against the petitioner. Consequently, connected criminal miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp



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WEB COPY To

- 1.The Judicial Magistrate,
Tittagudi, Cuddalore.
- 2.The Inspector of Police,
Thittagudi Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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