



CrI.R.C.No.202 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.202 of 2021

P.N.Peruvazhuthi

... Petitioner

Vs.

1.P.Velayutham

2.The Tahsildar,
Chetpet Taluk,
Chetpet,
(Previously Polur Taluk),
Tiruvannamalai District,
Pin: 606 801.

3.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

4.K.Saravanan

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 read with Section 401 of Criminal Procedure Code, seeking to call for the records in Criminal Miscellaneous Appeal u/s.341 of Cr.P.C. r/w section 151 of CPC in Criminal Miscellaneous appeal un-numbered 2019 (Register-19 No.3871 and 3872) on the file of subordinate Judge at Arani, order dated 06.01.2020, against the fair order dated 23.04.2019 in I.A.No.104 of 2018 in O.S.No.502 of 2017 on the file of



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the District Munsif Court at Polur, Tiruvannamalai District and set aside the same respectively and direct the competent court to record the evidence that the 4th respondent / 4th respondent has committed an offence of perjury punishable u/s.193 of IPC r/w section 195(1) (ib) and (4) of Cr.P.C. or such other sections of IPC and forward a complaint to Magistrate with competent jurisdiction to try the offence of perjury.

For Petitioner : M/s.G.Mutharasu
For Respondent : Mrs.G.V.Kasthuri for R2 and R3
Additional Public Prosecutor
R4 – No Appearance

O R D E R

This criminal revision has been filed seeking to set aside the order dated 06.01.2020 made in un-numbered Criminal Miscellaneous Appeal 2019 (Register-19 No.3871 and 3872) by the learned Subordinate Judge at Arani, against the fair order dated 23.04.2019 in I.A.No.104 of 2018 in O.S.No.502 of 2017 on the file of the District Munsif Court at Polur, Tiruvannamalai District and direct the competent Court to record the evidence that the fourth respondent has committed an offence of perjury punishable under Section 193 of IPC r/w section 195(1) (ib) and (4) of Cr.P.C. or such other Sections of IPC and forward a complaint to Magistrate with competent jurisdiction to try the offence of perjury.



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2.The case of the petitioner is that the petitioner is the fourth defendant in the suit in O.S.No.502 of 2017 and petitioner in I.A.No.104 of 2018. The fourth respondent filed a suit for permanent injunction against the respondents 1 to 3 and the petitioner in O.S.No.502 of 2017 and the suit was dismissed on 27.02.2019. Thereafter, the petitioner filed a petition under Section 340 of Cr.P.C. r/w. 151 of C.P.C. against the fourth respondent in I.A.No.104 of 2018 seeking to take action for perjury stating that the fourth respondent filed the suit with false, frivolous and vexatious and suppressing Court procedure and hence, the fourth respondent caused heavy loss and hardship to the petitioner. The said petition was dismissed. Aggrieved by the same, the petitioner filed civil miscellaneous appeal along with petition for condoning the delay of 97 days before the lower Appellate Court and the same was rejected by the lower Appellate Court. Challenging the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner submitted that the fourth respondent filed the suit in O.S.No.502 of 2017 with false and frivolous evidence which amounts to perjury and hence the



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petitioner filed I.A.No.104 of 2018 under Section 340 of Cr.P.C. read with Section 151 of C.P.C., however, the trial Court did not consider the same and dismissed the I.A. Hence, the petitioner filed appeal along with condone delay petition before the lower Appellate Court, however, the lower Appellate Court rejected the same, which is not sustainable one.

4.The grievance of the petitioner is that the fourth respondent filed the suit in O.S.No.502 of 2017 with false and frivolous evidence and hence he committed offence under Section 195 of Cr.P.C. and hence the trial Court has to take cognizance by following the procedure contemplated under Section 340 of Cr.P.C.

5.Perusal of Section 340 of Cr.P.C. reveals that when upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any,



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as it thinks necessary,— (a) record a finding to that effect; (b) make a complaint thereof in writing; (c) send it to a Magistrate of the first class having jurisdiction; (d) take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do send the accused in custody to such Magistrate; and (e) bind over any person to appear and give evidence before such Magistrate.

6.In the present case, the petitioner is not an aggrieved party. Hence, filing such petition is not sustainable one. The trial Court after elaborately considering the factual aspects dismissed the interlocutory application filed by the petitioner and confirming the same, the lower appellate Court passed the impugned order rejecting the appeal filed by the petitioner along with condone delay petition. Hence, the impugned order warrants no interference.

7.This criminal revision case is dismissed.

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

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M.DHANDAPANI,J.
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To

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