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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.550 of 2022
and Crl.MP.No.5604 of 2022

Guganathan

... Petitioner

-Vs-

1. Arunprakash
2. Ramesh
3. Velusamy
4. Marimuthu
5. Sudhakar Madasamy
6. Jeeva

7. The Inspector of Police,
Moolanur Police Station,
Moolanur,
Dharapuram.

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, against the order passed in Crl.MP.No.476 / 2022 dated 11.03.2022 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District.

For petitioner : Mr.C.Prakash
For Respondents : Mr.A.Gopinath R7
Government Advocate
Crl. side



ORDER

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The Criminal Revision is filed against the order passed in CrI.MP.No.476 / 2022 dated 11.03.2022 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.20 Lakhs from the first respondent in the year 2018 by mortgaging a property in S.No.354/B to an extent of 16.57 cent worth about Rs.2.5/- Crores as security and executed a sale agreement in favour of the first respondent and also issued 10 blank cheques, 16 Nos. signed Pronotes, blank stamp papers. The petitioner is ready and willing to pay the said amount, but the first respondent issued notice on 25.01.2020 stating that he is ready to pay the balance amount of a sale agreement and asked the petitioner and his family members to execute the sale deed and also filed a suit before the Additional District Court, Dharapuram. Hence, the petitioner lodged a complaint before the 7th respondent on 24.04.2021 and 29.04.2024 against the respondents 1 to 6, but no action was taken. Hence, the petitioner filed a petition before the learned Judicial Magistrate under Section 156(3) read with 200 Cr.P.C. To conduct



enquiry and directing the 7th respondent to register FIR against the respondents

1 to 6 for the offence under Section 109 and 420 IPC and the same was dismissed vide impugned order dated 11.03.2022. Challenging the same, the present revision has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is ready to pay the entire loan amount to the first respondent, but he wantonly refused to receive the amount and he along with other respondents threatened the petitioner and refused to cancel the sale agreement. Since the properties worth about several crores, but the sale agreement contain the meager amount. Hence, the learned counsel prays to allow this petition.

4. The learned Government Advocate submitted that the respondent has already filed a suit in OS.No.112/2022 before the Additional District Court, Dharapuram for specific performance against the petitioner and his family members.

5. Heard the learned counsel for the petitioner and the learned



Government Advocate and perused the materials available on record.

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6. On perusal of the records, it is seen that there is a property dispute between the parties and the first respondent has already filed a suit before the designated Court and the same is pending. Since the suit is pending before the court below, it is for the parties to redress the same before the appropriate Civil Court and the respondent police will have no role to play in a case of this nature. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 397 of Criminal Procedure Code.

7. Accordingly, the Criminal Revision stands dismissed.
Consequently, connected miscellaneous petition is closed.

10.07.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No



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1. The Judicial Magistrate, Dharapuram, Tiruppur District.
2. The Inspector of Police,
Moolanur Police Station,
Moolanur,
Dharapuram.
3. The Inspector of Police,
Arakkonam Town Police Station.



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M.DHANDAPANI,J.

Rli

CrI.RC.No.550 of 2022

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