



WEB COPY



Crl.R.C.No.712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.712 of 2023

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... Petitioner

Vs.

1.The Sub Inspector of Police,
Arani Police Station,
Arani, Thiruvallur District.
Pincode:

2.Gnanasekar
3.Shanthi
4.Ragini
5.Bhakiyalakshmi

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records relating the order dated 20.03.2023 passed in Crl.M.P.No.704 of 2023 on the file of the Court of Judicial Magistrate No.1, Ponneri and set aside the same and allow the above criminal revision petition.

For Petitioner : Mr.J.James
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
R2 to R5 – NRN



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ORDER

This criminal revision has been filed seeking to set aside the order dated 20.03.2023 passed by the Court of Judicial Magistrate No.1, Ponneri in Crl.M.P.No.704 of 2023.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the agricultural lands situated in S.Nos.190/1 and 190/2 of Chinnambedu Village and the said property was purchased from one Ramesh and after purchasing the property, he spent Rs.3 Lakhs for fencing the property. On 08.03.2023 at about 11.00 p.m., the accused/ respondents 2 to 5 damaged the fence and tried to attack the petitioner. Thereby the petitioner lodged complaint before the law enforcing agency and since there was no response, the petitioner filed petition under Section 156(3) of Cr.P.C. before the trial Court in Crl.M.P.No.704 of 2023 seeking to issue direction to the law enforcing agency to register F.I.R. against the respondents 2 to 5 for the offence under Sections 294(b), 427, 447, 379, 506(2) I.P.C., Sections 2 and 3 TNPPTL Act, however, the trial Court dismissed the said petition.

3.The learned counsel appearing for the petitioner further submitted that it is not property dispute between two families. The



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respondents 2 to 5 came to the petitioner's property and destroyed the fence put up by the petitioner and harassed the petitioner using filthy language, however, the trial Court refused to take cognizance as against respondents 2 to 5 and dismissed the petition filed by the petitioner which is not sustainable one.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that it is purely a civil dispute between the petitioner and the private respondents, which cannot be enquired by the law enforcing agency. If at all the petitioner has any grievance, he has to file suit for bare injunction or file petition under Section 200 of Cr.P.C. or under Section 223 of the Bharathiya Nagarik Suraksha Sanhita, 2023. Without doing so, insisting the law enforcing agency to register F.I.R. is not sustainable one.

5.Perusal of records reveal that it appears to be a civil dispute between the petitioner and the private respondents, which cannot be enquired by the law enforcing agency.

6.In view of the above, this criminal revision case is dismissed.



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M.DHANDAPANI,J.
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Liberty is granted to the petitioner to file civil suit or to file petition under Section 200 of Cr.P.C. or under Section 223 of the Bharathiya Nagarik Suraksha Sanhita, 2023.

02.08.2024

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

To

- 1.The Court of Judicial Magistrate No.1,
Ponneri.
- 2.The Sub Inspector of Police,
Arani Police Station,
Arani, Thiruvallur District.

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