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Crl.RC.No.2197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.2197 of 2023

S.Paramasivam

...Petitioner

Vs.

1. Kalaimani
2. Kalaivendan
3. Manjula
4. The Inspector of Police,
Chinna Salem Police Station,
Chinnasalem,
Kallakurichi District – 606 201.

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure seeking to set aside the impugned order of dismissal made by the learned Judicial Magistrate-2, Kallakurichi in Crl.M.P.no.997 of 2022 dated 14.11.2022, by allowing the criminal revision.

For Petitioner : Mr.S.Paramasivam (P-in-P)

For Respondent : Mr.Nedunchezhiyan for
M/s.J.Jayamalar for R1 to R3

Mr.A.Gopinath for R4
Government Advocate (Crl.Side)

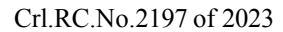


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ORDER

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2. It is the case of the prosecution that the petitioner's father was the owner of the agricultural dry land of an extent of 11.5 cents in S.No.1105/20 situated in Chinnasalem South Village, Chinnasalem Taluk, Kallakurichi District. Due to the hindrance given by respondents 1 to 3 with regard to the aforesaid land, the petitioner filed a suit in O.S.No.502 of 1999 before the II Additional District Munsif Court, Kallakurichi and obtained permanent injunction and decree dated 29.11.2002 against the said persons. Even thereafter, the respondents 1 to 3 were frequently interfering with the day to day activities of the petitioner. Hence the petitioner gave a complaint before the fourth respondent Police, however, no action has been taken. Therefore, the petitioner filed a petition u/s.156(3) of Cr.P.C. in CMP.No.997 of 2022 before the learned Judicial Magistrate-2, Kallakurichi seeking to register the complaint given by the petitioner. However, the said petition was dismissed



Revision Petition has been filed.

Hence, he prayed for passing appropriate orders.

the petitioner which cannot be interfered with.

5. Heard the learned counsel appearing for the respondents 1 to 3



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and perused the materials placed on record.

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6. A perusal of the order passed by the court below coupled with the complaint lodged in this regard reveals that the issue involved in the present case is civil in nature and the same has to be ventilated only before the civil Court, however, without doing so, filing the present petition seeking to set aside the impugned order passed by the trial Court is *per se* unsustainable.

7. Accordingly, the Criminal Revision Petition is dismissed with liberty to the petitioner to file a suit before the competent civil Court, if any such suit is being filed by the petitioner, the Civil Court is directed to decide the issue as expeditiously as possible without being influenced by any of the observation made in the impugned order.

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Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No



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1. Judicial Magistrate-2, Kallakurichi
2. The Inspector of Police,
Chinna Salem Police Station,
Chinnasalem,
Kallakurichi District – 606 201.
3. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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