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CrI.R.C.No.714 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.714 of 2022

Mrs.Saroja

... Petitioner

Vs.

1.S.Udayakumar
2.Sathish
3.T.Sivakumar
4.T.Prakash
5.Thirunavukkarasu
6.B.Sekar
7.Prakash

8.The Inspector of Police,
Chunambedu Police Station,
Chengalpattu District.

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order made in C.M.P.No.89 of 2021 dated 01.02.2021 on the file of the Hon'ble District Munsif – cum – Judicial Magistrate, Cheyyur and consequently direct the 8th respondent to register First Information Report based on the complaint preferred by the petition dated 10.11.2020 in C.S.R.No.684



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of 2020.

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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Gopinath for R8
Government Advocate (Crl. Side)

ORDER

This criminal revision has been filed seeking to set aside the order made in C.M.P.No.89 of 2021 dated 01.02.2021 on the file of the learned District Munsif – cum – Judicial Magistrate, Cheyyur and consequently direct the eighth respondent to register First Information Report based on the complaint preferred by the petitioner dated 10.11.2020 in C.S.R.No.684 of 2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner and her family are the lease holders of the property situated at S.No.155/10 admeasuring about 2.50 cents for the past 80 years and the petitioner has been the lessee since 31.10.1990. However, on 10.11.2020 at around 9 a.m., the accused came to the property with a JCB and damaged the trees. Hence, the petitioner approached the law enforcing agency and lodged a complaint as against the accused on 10.11.2020 and the same was assigned C.S.R.No.684 of 2020 and since no action was taken by the law enforcing agency, the petitioner filed C.M.P.No.89 of 2021 before



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the District Munsif – cum – Judicial Magistrate Court, Cheyyur and the same was dismissed vide order dated 01.02.2021. Hence, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner further submitted that, without going into the merits of the case, it would suffice, if this Court grants liberty to the petitioner to file execution petition before the Civil Court where the Civil Court passed order in favour of the petitioner and to pursue the remedy available as against C.S.R.No.684 of 2020 in the manner known to law and further submitted that this Court may permit the Revenue Divisional Officer and Tahsildar for taking appropriate action against the accused.

4.Having regard to the submission made by the learned counsel appearing for the petitioner, this Court without going into the merits of the case, grants liberty to the petitioner to file execution petition before the Civil Court where the Civil Court passed order in favour of the petitioner and to pursue the remedy available as against C.S.R.No.684 of 2020 in the manner known to law. This Court permits the Revenue Divisional Officer and Tahsildar for taking appropriate action against the accused.



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M.DHANDAPANI,J.

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5.The criminal revision case is disposed of with the above observations.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The District Munsif – cum – Judicial Magistrate,
Cheyyur.

2.The Inspector of Police,
Chunambedu Police Station,
Chengalpattu District.

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