



Crl.R.C.No.1121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

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

Crl.R.C.No.1121 of 2024

M.Bharathi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
T-1, Tambaram Police,
Muthulingam Street,
Tambaram,
Chennai – 600 045.
Respondent

...

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C, to call for the records pertaining to the order passed in Criminal M.P.No.7826 of 2066 dated 28.10.2022 by the learned Judicial Magistrate I at Tambaram, allow this Criminal Revision Petition.

For Petitioner : Mr.S.Ruban Prabu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed to set aside the order dated 28.10.2022 made in Crl.M.P.No.7826 of 2022 passed by the learned Judicial Magistrate I, Tambaram.

2. The case of the petitioner is that, one Devi is the wife of her brother namely K.Venkatesan. Due to matrimonial dispute, the said Venkatesan filed a divorce petition in H.M.O.P.No.501 of 2017 before the learned Sub Judge, Tambaram and divorce was granted in favour of the said Venkatesan on 09.04.2018 and thereafter, he passed away on 21.05.2021. Taking advantage of the situation, the said Devi entered the joint family property of the petitioner, for which petitioner has given a complaint before the law enforcing agency, however, the law enforcing agency has not taken any effective steps, thereby the petitioner filed a petition u/s 156(3) of Cr.P.C. in Crl.M.P.No.7826 of 2022 before the learned Judicial Magistrate Court No.I, Tambaram and the same was dismissed vide impugned order dated 28.10.2022. Aggrieved by the same, the petitioner has filed the present revision.



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3. The learned counsel appearing for the petitioner submitted that, the petitioner and the said Devi are relatives. However, after the death of the petitioner's brother Venkatesan, the said Devi trespassed in the property of the petitioner's family and stolen gold articles. Though the said fact viz., stolen of articles was not mentioned in the initial complaint, however subsequently, she mentioned the said facts in the petition filed before the trial court. However, without considering the same, the trial court had simply dismissed the petition, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the dispute is purely a civil dispute in between family members and the same has to be ventilated before the competent civil court, thereby the trial court has dismissed the petition filed by the petitioner, which does not require any interference. Accordingly, he prays for dismissal of revision.

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



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learned Government Advocate (Crl.Side) appearing for the respondent police and also perused the materials available on record.

6. As rightly pointed out by the learned Government Advocate (Crl.Side) appearing for the respondent police, it appears that the dispute between the petitioner's family and the said Devi is civil in nature and the same has to be ventilated before the competent civil court. However, without approaching the appropriate civil forum for getting proper remedy, the petitioner has filed a petition u/s 156(3) of Cr.P.C. before the trial court, which is not sustainable. Further, the petition filed by the petitioner has not disclosed any relevant material with regard to commission of criminal offence, however, it reveals that the dispute is of civil in nature. Considering the above aspects, the trial court has rightly dismissed the petition filed by the petitioner, which cannot be said to perverse, illegal or arbitrary. Therefore, this court is not inclined to interfere with the order passed by the trial court.



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7. Accordingly, this Criminal Revision Case stands dismissed.

However, this order will not stand in the way of the petitioner to workout the remedy before the competent civil court in the manner known to law.

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Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

sp

To

The Judicial Magistrate I, Tambaram.



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M.DHANDAPANI, J.

sp

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