



Crl.R.C.No.1074 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 26.06.2024**

**CORAM**

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

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**Crl.M.P.No.9114 of 2024**

- 1.Nanjappan
- 2.Vasanthi
- 3.Ranjitha
- 4.Balan
- 5.Ponnusamy @ Dinesh
- 6.Jambu @ Sanmugam
- 7.Appusamy
- 8.Prasanth @ Sakthivel
- 9.Ramesh @ Gowtham
- 10.Kuzhainthavelu @ Veluchamy
- 11.Anandan Raj @ Anand Velliangiri
- 12.Rangasamy
- 13.Ramesh @ Velliangiri

... Petitioners

**Vs.**

Palanisamy

... Respondent

**PRAYER :** Criminal Revision Petition filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the impugned order dated 11.05.2023 passed by the learned Judicial Magistrate, Sathyamanglam in C.M.P.No.3400 of 2022.



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For Petitioners : Mr.R.Thirumoorthy  
For Respondent : Mr.J.Titus Knock

## **ORDER**

The Criminal Revision Case is filed against the impugned order dated 11.05.2023 passed in C.M.P.No.3400 of 2022 by the learned Judicial Magistrate, Sathyamanglam.

2. The case of the petitioners is that the first petitioner purchased the property from one Periyagounder, who is the father of the respondent in the year 2020, without knowing the fact that there was a property dispute between the respondent and his father. The respondent prevented the first petitioner from enjoying the property and filed a suit in O.S.No.34 of 2022 before the District Munsif Court, Sathyamangalam and thereafter, he made a false complaint against the petitioners before the Police as if the first petitioner and his associates/other petitioners trespassed into his property and damaged the wall and abused him in filthy language and attacked him



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and the Police has not taken any action. Subsequently, he filed a private complaint under Section 200 Cr.P.C for the offence punishable under Sections 294(b), 147, 148, 149, 447, 427, 506(ii), 166, 167 r/w. 109 IPC and the trial Court, vide order dated 11.05.2023, has taken cognizance of the complaint filed by the respondent against the petitioners and the other persons for the offences punishable under Sections 294(b), 147, 148, 149, 447, 427 and 506(ii) IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners submits that there was a civil dispute between the petitioners and the respondent and the respondent filed a civil suit in O.S.No.34 of 2022 before the District Munsif Court, Sathyamangalam, and, he has not obtained any interim order. He has filed a private complaint before the trial Court and the trial Court has taken cognizance of the complaint filed by the respondent against the petitioners. When the matter is seized by the civil Court, the respondent cannot adjudicate the very same matter by way of private complaint before the



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criminal Court. In this regard, he relied upon the judgment of the Hon'ble Supreme Court of India in the case of *Upkar Singh vs. Ved Prakash* reported in *AIR 2004 SCC 4320* and in the case of *Krishna Lal Chawla and others vs. State of Uttar Pradesh and another* reported in *2021 SC 145*.

4. The learned counsel appearing for the respondent submits that the petitioners trespassed in the property of the respondent and damaged the compound wall and caused life threat to the respondent and therefore, the respondent has filed a private complaint before the trial Court and the trial Court has rightly taken cognizance of the complaint filed by him against the petitioners for the offences punishable under Sections 294(b), 147, 148, 149, 447, 427 and 506(ii) IPC. If at all the petitioners are having any grievance, they have to approach the trial Court for redressing their grievance.



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5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.

6. It appears that there was a property dispute between the first petitioner and the respondent, for which, the respondent filed a suit in O.S.No.34 of 2022 before the District Munsif Court, Sathyamangalam. While so, it is alleged that the first petitioner and other petitioners have illegally trespassed into the property of the respondent and damaged the compound wall and caused life threat to the respondent, therefore, the respondent has made a complaint before the Police, but no evasive action was taken. Thereafter, he made a private complaint before the trial Court under Section 200 Cr.P.C for the offence punishable under Sections 294(b), 147, 148, 149, 447, 427, 506(ii), 166, 167 r/w. 109 IPC against the petitioners and the trial Court has taken cognizance of the complaint filed by him against the petitioners for the offences punishable under Sections 294(b), 147, 148, 149, 447, 427 and 506(ii) IPC. Though the petitioner



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claims that the matter is seized by the civil Court and the respondent cannot adjudicate the very same issue before the criminal Court, however, it is alleged that the petitioners have damaged the compound wall and gave life threat to the respondent and therefore, on *prima facie* consideration, the trial Court has rightly taken cognizance of the complaint filed by the respondent against the petitioners for the offences punishable under Sections 294(b), 147, 148, 149, 447, 427 and 506(ii) IPC, which cannot be interfered with by this Court. If at all the petitioners are having any grievance, they are at liberty to approach the trial Court for redressing their grievance.

7. Accordingly, the Criminal Revision Case is dismissed.

Connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To



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The learned Judicial Magistrate, Sathyamanglam

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**M.DHANDAPANI, J.**

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