



Crl.R.C.No.887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.887 of 2024

M.Rajalakshmi

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

2.R.Sivasakthi

3.Mariappan

4.Durairaj

5.Ramesh

... Respondents

PRAYER : Criminal Revision filed under Sections 397 and 401 of the code of Criminal Procedure, to set aside the order dated 28.02.2024 made in Crl.M.P.No.805 of 2024 on the file of the Additional Mahila Court (Magistrate Level), Dharmapuri, by allowing this petition.



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For Petitioner : Mr.T.Balaji

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1
R2 to R5-no appearance

ORDER

The Criminal Revision Case is filed against the impugned order dated 28.02.2024 made in Crl.M.P.No.805 of 2024 by the Additional Mahila Court (Magistrate Level), Dharmapuri.

2. The case of the prosecution is that the petitioner is running a Hotel in the subject property. The second respondent, who is the President of the petitioner's village, has given lot of hindrance to enjoy the property by the petitioner and therefore, she has filed an injunction suit against the second respondent and others in O.S.No.57 of 2023 before the District Munsif Court, Dharmapuri. In order to wreak vengeance the petitioner, the second respondent has demolished the petitioner's hotel, with the help of the



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other respondents, for which, she sustained loss to the tune of Rs.38,00,000/-. In this regard, the petitioner has also made a complaint before the Additional Mahila Court (Magistrate Level), Dharmapuri, under Section 156(3) Cr.P.C, but the same was dismissed. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the property and in order to grab the property from the petitioner, the second respondent has demolished the petitioner's hotel situated in the property with the help of the other accused persons and threatened her, for which, she sustained loss of Rs.38,00,000/-. Initially, she has made a complaint before the first respondent Police, however, the Police has not taken the complaint on file and hence, she filed a complaint under Section 156(3) Cr.P.C before the Court below, but the trial Court, without taking action against the accused persons, has dismissed the complaint.



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4. The learned Government Advocate (Crl.side) appearing for the first respondent Police submits that it is a civil dispute between the petitioner and the private respondents and the petitioner also approached the civil Court by filing an injunction suit in O.S.No.57 of 2023. Despite the same, she has made a criminal complaint before the Police and therefore, the Police has not taken any action and the learned Additional Mahila Judge (Magistrate Level), Dharmapuri, has also rightly dismissed the complaint filed by the petitioner which does not require any interference from this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent. Though notice was served to the respondents 2 to 5, there is no representation for the respondents 2 to 5.

5. The petitioner claims that she was running the hotel in the



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subject property and the second respondent has caused disturbances to the petitioner and demolished the petitioner's hotel in order to wreck vengeance the petitioner, for which, she filed an injunction suit in O.S.No.57 of 2023 before the learned District Munsif Court, Dharmapuri and the same is pending for adjudication. When the suit is pending, she has filed a criminal complaint before the respondent Police and since it is a civil dispute between the parties, the respondent Police has not taken any action and thereafter, she filed a complaint before the Additional Mahila Court (Magistrate Level), Dharmapuri under Section 156(3) Cr.P.C and the trial Court has also rightly dismissed the complaint given by the petitioner on the ground that the dispute between the parties is civil in nature and no evidence has been produced to prove that the private respondents have threatened the petitioner and gave life threat to her. Hence, this Court is not inclined to interfere with the order dated 28.02.2024 made in Crl.M.P.No.805 of 2024 by the Additional Mahila Court (Magistrate Level), Dharmapuri. However, liberty is granted to the petitioner to canvass all the points raised in this petition before the civil Court where the suit is pending.



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6. Accordingly, the Criminal Revision Case is dismissed.

18.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

The Additional Mahila Court (Magistrate Level), Dharmapuri,



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M.DHANDAPANI, J.

ssb

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