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Crl.R.C.No.1024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM:

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

Crl.R.C.No.1024 of 2024

R.Uma

... Petitioner

Vs.

1.Ko.Dhevanathan

2.Mu.Manogaran

3.Mu.Ilango

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the order dated 23.04.2024 made in Crl.M.P.No.2127 of 2024 on the file of the Judicial Magistrate-II, Tindivanam and set aside the same and consequently direct the Insepctor of Police, District Crime Branch, Villupuram to register the case against the respondents herein.

For Petitioner : Mr.C.Munusamy

ORDER

This petition has been filed to set aside the order dated 23.04.2024 made in Crl.M.P.No.2127 of 2024 on the file of the Judicial Magistrate-II, Tindivanam and consequently direct the Inspector of Police, District Crime Branch, Villupuram to register the case against the respondents herein.



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2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, the 2nd and 3rd respondents and their father Muthukumraswamy had borrowed money from the petitioner to the tune of Rs.5,00,000/- and paid interest for the 6th month alone. Hence, the petitioner had filed a suit before the learned Principal Subordinate Judge, Tindivanam and the same was decreed as against the said Muthukumraswamy. Thereafter, Execution Petition was filed to execute the decree in E.P.No.97 of 2013. When the said Execution Petition was posted for public auction of property belongs to Muthukumraswamy, the said Muthukumraswamy filed an affidavit and paid a part of the decree amount and the sale was postponed from the year 2019 to 2021, but the said Muthukumraswamy did not file any affidavit and the same was forged by the respondents. Hence, the petitioner lodged a complaint as against the respondents through registered post and the same was forwarded to DCB, Villupuram, but the Police Officials rejected the enquiry since the civil dispute is pending before the Civil Court. Hence, the petitioner filed a petition u/s 156(3) of Cr.P.C. in CrI.M.P.No.2127 of 2024 before the learned Judicial Magistrate-II, Tindivanam and the same was



dismissed vide impugned order dated 23.04.2024. Aggrieved by the same, the petitioner has filed the present revision.

4. Learned counsel for the petitioner would submit that the signature of the Muthukumraswamy was forged by his advocate and sons of Muthukumraswamy for getting adjournment in the execution proceedings so as to avoid sale of immovable property. Moreover, the petitioner appeared before the Trial Court and explained the fraud committed by the respondents. However, without considering the same, the trial court had simply dismissed the petition, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

5. Heard the learned counsel for the revision petitioner and perused the materials available on record.

6. On perusal of the records, it is seen that there is a dispute between one Muthukumraswamy who is none other than the father of the 2nd and 3rd respondents herein and the 1st respondent appears to be their Advocate. The grievance of the petitioner is that they forged signature of the said Muthukumraswamy and paid a part of the decree amount to the petitioner. Aggrieved by the same, the petitionenr had filed a civil suit and the same is pending. However, without getting proper remedy from the competent Civil



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Court, 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.

7. Accordingly, this Criminal Revision Case stands dismissed. However, the petitioner can workout the remedy before the competent civil court in the manner known to law.

19.06.2024

Index:Yes/No
Speaking/Non speaking order
msv

To

The Judicial Magistrate-II, Tindivanam.



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M.DHANDAPANI . J,

msv

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