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Crl.R.C.No.979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.979 of 2024

Annamalai

... Petitioner

Vs.

1. Sadasivam

2. Raj Bogan

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 22.04.2024 made in C.M.P.No.1899 of 2024 on the file of the Judicial Magistrate IV, Salem.

For Petitioner : Mr.P.Murthy

ORDER

The Criminal Revision Case is filed against the impugned order dated 22.04.2024 passed in C.M.P.No.1899 of 2024 by the learned Judicial Magistrate No.IV, Salem.



Crl.R.C.No.979 of 2024

WEB COPY

2. The case of the petitioner is that the petitioner and the respondents were enjoying joint property and common well in Survey No.193/3E, Kannakurichi Village, Salem. Since there was a dispute between the parties, a civil suit was filed by the petitioner in O.S.No.116 of 2022 on the file of the Subordinate Court, Salem. While so, on 03.02.2024, the respondents tried to encroach the common well and caused damages over the same and hence, the petitioner lodged a complaint before the Law Enforcing Agency on the same day. However, no steps have been taken by the Law Enforcing Agency. Therefore, the petitioner has filed a private complaint under Section 200 of Cr.P.C. to take cognizance against the respondents and the same was taken on file in C.M.P.No.1899 of 2024, which was dismissed by the trial Court on 22.04.2024. Challenging the same, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that without proper adjudication, the trial court had dismissed the complaint



Crl.R.C.No.979 of 2024

made by the petitioner, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

5. It appears that there was a property dispute between the petitioner and the respondents, for which, the petitioner filed a suit in O.S.No.116 of 2022 before the Subordinate Court, Salem. While so, it is alleged that the respondents have illegally trespassed into the property of the petitioner and damaged the common well and caused life threat to the petitioner, therefore, the petitioner has made a complaint before the Police, but no effective action was taken. Thereafter, he made a private complaint before the trial Court under Section 200 Cr.P.C against the respondents and the trial Court has rightly dismissed the same on 22.04.2024 on the ground that it is purely a civil dispute between the petitioner and the respondent. When the civil suit is pending before the Subordinate Court, the petitioner



Crl.R.C.No.979 of 2024

WEB COPY

cannot adjudicate the very same issue before this Court. However, liberty is granted to the petitioner to work out his remedy before the Civil Court.

6. Accordingly, the Criminal Revision Case is dismissed.

12.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Judicial Magistrate IV,
Salem.



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Crl.R.C.No.979 of 2024

M.DHANDAPANI, J.

vji

Crl.R.C.No.979 of 2024

12.06.2024