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Crl.O.P.No.15313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.15313 of 2024

Ramadoss

... Petitioner

Vs.

1.The State of Tamil Nadu Rep.by
The Inspector of Police,
Thiagadurgam Police Station,
Kallakurichi District.

2.Kumar
3.Rajendran
4.Selvi
5.Vinoth
6.Ramesh
7.Rahuraman
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the learned Judicial Magistrate No.II, Kallakurichi order dated 07.01.2023 in CMP.No.1388 of 2022 consequently, direct the 1st respondent to register the case against the respondents 2 to 7.

For Petitioner : Mr.S.N.Subramani

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

Dispute between the brothers regarding sharing the property left by the ancestors has led to wordy quarrel and the complaint to the respondent police. On enquiry, the police has closed the complaint as Mistake of Facts, since the dispute is purely civil in nature.

2. Being aggrieved, the petitioner herein has filed complaint before the Judicial Magistrate under Section 156 (3) of Cr.P.C., to take up the complaint on record and direct the respondent police to register the complaint and investigate. The trial Court after perusing the record, found that the alleged incident took place on 27.06.2022, which has led to registration of CSR.No.406 of 2022 on 29.06.2022 and after investigation, the police has found that the dispute between the parties is purely civil in nature and therefore, the sequence of complaint first on 27.02.2022 and next on 24.09.2022 has to be dealt only by the competent civil Court and not by the police. The trial Court after perusing the record has concurred the view of the Investigating Officer and dismissed the petition under Section 156(3) Cr.P.C.

3. This Court finds that the reasoning given by the Magistrate



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is borne by record and need no interference in exercise of power under

Section 482 of Cr.P.C. Hence this Criminal Original Petition is dismissed.

01.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate No.II, Kallakurichi

2.The Inspector of Police,
Thiagadurgam Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.

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