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CrI.R.C.No.1085 of 2024

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

**DATED : 27.06.2024**

**CORAM**

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

**CrI.R.C.No.1085 of 2024**

S.Kovardhanan

... Petitioner

Vs.

1.The Superintendent of Police,  
Office of the Superintendent of Police,  
Sathuvacharry Police Station,  
Vellore District.

2.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Gudiyatham Taluk,  
Vellore District.

3.State By  
Inspector of Police,  
Gudiyatham Town Police Station,  
Vellore District.

4.Vijayakumar  
5.Jeyamanibabu  
6.Karuna  
7.Muthu  
8.Rajivel  
9.Baskar

... Respondents

**Prayer:**

Criminal Revision Case filed under Sections 397 and 401 of  
Criminal Procedure Code seeking to set aside the order dated



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02.03.2024 passed by the Judicial Magistrate, Gudiyatham, Vellore District in C.M.P.No.440 of 2023 and direct the third respondent to register the F.I.R. based on the complaint lodged by the petitioner and to file its status report within the time frame to be fixed by this Hon'ble Court by allowing this criminal revision petition.

For Petitioner : Mr.D.Thirumoorthy  
For Respondents : Mr.A.Gopinath  
Government Advocate (Crl. Side)

### **ORDER**

The criminal revision case has been filed seeking to set aside the order dated 02.03.2024 passed by the learned Judicial Magistrate, Gudiyatham, Vellore District in C.M.P.No.440 of 2023 and to direct the third respondent to register the F.I.R. based on the complaint lodged by the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the property in T.S.No.199/5, situated at Gudiyatham Town, Vellore District measuring an extent of 360 sq.ft. and further submitted that the petitioner acquired the same by way of settlement deed executed by his Father in the year 2010 and was in peaceful possession of the same, however, on 01.12.2019 the private respondents who are adjacent land owners came to the petitioner's property and demolished the entire compound wall for



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which the petitioner lodged complaint before the law enforcing agency and since there was no action filed private complaint under Section 200 of Cr.P.C. in C.M.P.No.440 of 2023 seeking to prosecute the accused/ respondents 4 to 9 for the offence under Sections 294(b), 425, 503 and 506(ii) of I.P.C., however, the trial Court arrived at a conclusion that there are civil proceedings pending inbetween the parties and refused to take action against the private respondents, which is not sustainable one.

3.The learned counsel for the petitioner further submitted that the civil proceedings was initiated by the petitioner only after filing of the criminal complaint and the same is not a bar for criminal prosecution and further submitted that the alleged offences should be tried by the trial Court separately.

4.The learned Government Advocate (CrI.Side) submitted that already the petitioner had approached the civil Forum for the very same cause of action by filing suit for damages and the suit has also been decreed in his favour. Hence, filing this revision is not sustainable one.



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**M.DHANDAPANI,J.**  
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5.The facts of the case is not disputed. The trial Court after elaborately discussing all the factual aspects, dismissed the petition filed by the petitioner, which warrants no interference. However, this order will not stand on the way of the petitioner to work out the remedy before the civil Forum in the manner known to law.

6.This criminal revision case is dismissed.

**27.06.2024**

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate,  
Gudiyatham,  
Vellore District.

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