



Crl.RC.No.590 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2024

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

Crl.RC.No.590 of 2021

A.Anandan

...Petitioner

Vs.

1. Gunasekaran
2. Sundari
3. Vijayakumar

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401 of Code of Criminal Procedure to set aside order dated 18.02.2021 made in Crl.M.P.No.35 of 2021, on the file of the Judicial Magistrate No.I, Namakkal.

For Petitioner : M/s.W.Camyles Gandhi

For Respondent : Not Ready in Notice

ORDER

This Criminal Revision Case is filed against the order dated 18.02.2021 made in Crl.M.P.No.35 of 2021, on the file of the Judicial Magistrate No.I, Namakkal.



WEB COURT

2. It is the case of the prosecution that the petitioner purchased a house property bearing Old S.No.277/1, New S.No.402/6 from one Rajeswari and Balasubramaniam, subsequently, the first respondent along with seven others were giving hindrance to the petitioner's property. When the petitioner had applied for transfer of name in electricity service connection, he came to know the fact that the respondents herein had forged the signature of dead person namely Jayaraman Chettiyar and had illegally applied and transferred in the name of respondents 2 and 3, due to which the petitioner had given a complaint before the police officials and acknowledging the same, CSR has been issued in CSR No.161 of 2020, but no action has been taken. Aggrieved by the same, the petitioner addressed a complaint before the District Superrintendent of Police and the same also went in vain. Whiles, the petitioner filed a petition u/s.156(3) of Cr.P.C before the learned Judicial Magistrate No.I in Crl.M.P.No.35 of 2021 for the alleged offences u/s.120B, 416, 465,420 of IPC seeking to take action against the respondents. However, the said petition was dismissed vide order dated 18.02.2021 on the ground that the dispute which arose between the petitioner and the respondents is civil in nature. Challenging the same,



Crl.RC.No.590 of 2021

the petitioner is in this revision petition.

WEB COPY

3. The learned counsel for the petitioner submits that though the respondents had forged the signature of the dead person namely Jayaraman Chettiyar and had illegally applied and transferred the electricity service connection in the name of respondents 2 and 3, however, without taking cognizance against the respondents the trial Court had dismissed the petition filed by the petitioner vide order dated 18.02.2021 in Crl.M.P.No.35 of 2021 which is *per se* unsustainable. Hence, he prayed for passing appropriate orders.

4. Though the notice was served on the respondent, no one appeared on their behalf. Considering the period of pendency of the revision petition, the same is disposed of based on the materials available on record.

5. It is the claim of the petitioner that the petitioner had purchased the above said properties from one Rajeswari and Balasubramaniam. In order to prove the same, the petitioner has neither marked any documents before



Crl.RC.No.590 of 2021

the trial Court nor before this Court and a perusal of the order passed by the court below coupled with the petition filed u/s.156(3) of Cr.P.C.in this regard reveals that the issue involved in the present case is civil in nature and the same has to be ventilated only before the civil Court, however, without doing so, filing the present petition seeking to set aside the impugned order passed by the trial Court is *per se* unsustainable.

6. Accordingly, the Criminal Revision Petition is dismissed with liberty to the petitioner to ventilate his grievances before the competent civil Court.

04.07.2024

rap

Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



Crl.RC.No.590 of 2021

To
WEB COPY

The Judicial Magistrate No.I, Namakkal.



WEB COPY



Crl.RC.No.590 of 2021

M.DHANDAPANI, J.

rap

Crl.RC.No.590 of 2021

04.07.2024