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Crl.R.C.No.1202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1202 of 2024

N.Thulasingham

... Petitioner

Vs.

1.The Senior Superintendent of Police,
Law & Order,
Orlienpet,
Puducherry.

2.The Station House Officer,
Grand Bazaar Police Station,
Grand Bazaar,
Puducherry-605 001.

3.K.Radhika

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the impugned order dated 05.04.2024 passed in Crl.M.P.No.1326 of 2024 on the file of the Chief Judicial Magistrate, Puducherry and direct the respondents to register the FIR based on the petitioner's complaint dated 22.08.2023 in accordance with law.



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For Petitioner : Ms.R.Kalaiyarasi
For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The Criminal Revision Case is filed against the impugned order dated 05.04.2024 passed in Crl.M.P.No.1326 of 2024 by the learned Chief Judicial Magistrate, Puducherry, and for a consequential direction to the official respondents to register the FIR based on the petitioner's complaint dated 22.08.2023.

2. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the property in dispute by virtue of Will executed by one Manga, but the third respondent trespassed into the property and tried to usurp the property from the petitioner and she filed a suit in O.S.No.1042 of 2018 before the civil Court and it was dismissed on 19.04.2023. Even then, the third respondent is trying to trespass into the



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property and usurp the property from the petitioner, hence, the petitioner made a complaint before the Police, but, it was closed without taking any action and thereby, he filed a petition under Sections 154(3) and 156(3) Cr.P.C. before the trial Court for taking cognizance against the third respondent and it was dismissed vide impugned order dated 05.04.2024. Challenging the same, the present petition has been filed.

3. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent Nos.1 and 2 submits that since the dispute between the petitioner and the third respondent is civil in nature, the Police has closed the complaint given by the petitioner and the trial Court also refused to take cognizance against the third respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Nos.1 and 2.



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5. On *prima facie*, it appears from the materials available on record that the dispute between the petitioner and the third respondent is civil in nature, for which, the petitioner has made a criminal complaint before the second respondent and since it is a civil dispute, the second respondent Police has closed the complaint given by him and thereafter, the petitioner has filed a petition under Sections 154(3) and 156(3) Cr.P.C before the trial Court, which was dismissed vide impugned order dated 05.04.2024. Because the suit filed by the third respondent in O.S.No.1042 of 2018 was dismissed, it does not mean that the title is conferred on the petitioner and the conferment of title has to be established before the civil Court by the petitioner against the third respondent instead of filing the complaints before the Law Enforcing Agency and before the criminal Court. The trial Court has also properly considered the above aspects and dismissed the complaint filed by the petitioner, since no evidence was available for taking cognizance against the third respondent.



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Hence, no interference is required by this Court with the impugned order dated 05.04.2024 passed in Cr.M.P.No.1326 of 2024 by the Chief Judicial Magistrate, Puducherry.

6. Accordingly, the Criminal Revision Case is dismissed.

23.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Chief Judicial Magistrate, Puducherry.



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M.DHANDAPANI, J.

ssb

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