



WEB COPY



Crl.O.P.No.1161 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.O.P.No.1161 of 2017

in

Crl.A.SR.No.371 of 2017

Periyasamy

... Petitioner

Vs.

1.Arumugam

2.Lakshmi

3.Gowri

4.Kalaiselvi

5.Latha

... Respondents

Prayer in Crl.O.P.No.1161 of 2017 : Criminal Original Petition filed u/s.378(4) of the Code of Criminal Procedure, seeking to grant leave to the petitioner to file the above Appeal before this Court against the orders of the learned XV Metropolitan Magistrate Court, George Town, Chennai in C.C.No.5905 of 2005 dated 03.10.2016.

Prayer in Crl.A.SR.No.371 of 2017 : Criminal Appeal filed under Section 378 of the Code of Criminal Procedure Code, against the order dated 03.10.2016 made in C.C.No.5905 of 2005 passed by the learned XV Metropolitan Magistrate, George Town, Chennai – 1.

For Petitioner : Mr.V.R.Ramana Reddy

For Respondents : Died [R1]

Not Ready in Notice [R2]



Crl.O.P.No.1161 of 2017

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to grant leave to the petitioner to file an appeal against the impugned order passed by the learned XV Metropolitan Magistrate Court, George Town, Chennai in C.C.No.5905 of 2005 dated 03.10.2016.

2. The case of the petitioner is that, on 21.12.1992, the Tamil Nadu Slum Clearance Board allotted a plot in favour of the petitioner in Plot No.995 and the 1st respondent is the tenant of the petitioner. However, the 1st respondent stolen the documents pertaining to petitioner's plot and created a fake document in his favour with the help of the respondents 2 to 5, thereby the petitioner made a complaint before the law enforcing agency. Since the said complaint was not taken on file, the petitioner filed a complaint before the Assistant Commissioner of Police on 03.01.2002. However, the said complaint was closed. Thereafter, a private complaint u/s 200 Cr.P.C. was filed by the petitioner as against the respondents for an offence u/s 379, 406, 420, 465, 468 and 506(ii) r/w 120-B of IPC before the trial court in C.C.No.5905 of 2005 on the file of XV Metropolitan Magistrate Court, George Town, Chennai. However, the Court below had dismissed the said complaint filed by the petitioner by acquitting the



Crl.O.P.No.1161 of 2017

respondents. Aggrieved over the same, the petitioner preferred the present petition seeking to grant leave to prefer an appeal against the said judgment dated 03.10.2016 in C.C.No.5905 of 2016.

3. Though very many grounds have been raised by the petitioner, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that, without going into the merits of the case, this court may grant liberty to the petitioner to approach the competent civil court for appropriate remedy.

4. In view of the limited request sought for by the learned counsel for the petitioner, this court, without going into the merits of the case, grants liberty to the petitioner to workout the remedy before the competent civil court in the manner known to law. If any such civil suit is filed by the petitioner, the trial court is directed to decide the issue between the parties in accordance with law, without being influenced by any of the observations made in the impugned order.



WEB COPY



Crl.O.P.No.1161 of 2017

M.DHANDAPANI, J.

sp

5. Accordingly, this Criminal Original Petition is dismissed with the above liberty. Consequently, the Criminal Appeal is rejected at the SR stage itself.

14.06.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The XV Metropolitan Magistrate, George Town, Chennai.

Crl.O.P.No.1161 of 2017
in
Crl.A.SR.No.371 of 2017