



Crl.R.C.No.1653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1653 of 2024

D.Mahendran

...Petitioner/Petitioner

Vs.

The Inspector of Police,
Edaikkal Police Station,
Kallakurichi District.

...Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Section 438 of the BNSS to call for the entire records relating to the order made in Crl.M.P.No.5800 of 2023, dated 15.04.2024 on the file of the Judicial Magistrate – I, Ulundurpet and set aside the same.

For Petitioner : Ms.R.Hemalatha

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)



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ORDER

The revision petition challenges the dismissal of the petition filed under Section 156 (3) of Cr.P.C., by the petitioner against his cousin brothers.

2. The allegation in the complaint is that the petitioner had a share in the property measuring 92 cents, which originally belonged to the petitioner's great-grand father; that the accused obtained a patta making it appear that they were the owners of the property and had also executed a Partition Deed amongst themselves which was registered on the file of the Sub Registrar Elanvansurkottai, vide Document No.456 of 2017; that when the petitioner objected to the grant of patta, the Revenue Divisional Officer, Kallakurichi conducted an enquiry and passed an order on 26.08.2022 cancelling the said patta; and that when the petitioner demanded for partition, the accused are threatening him of dire consequences.

3. The learned Magistrate had dismissed the said petition on the ground that the allegations are predominantly civil in nature; and that if the accused are refusing partition, the petitioner has to approach the Civil Court



and observed that since no cognizable offences were made out, a direction cannot be issued under Section 156(3) of Cr.P.C.

4. The learned counsel for the petitioner would submit that a forged patta was obtained by the accused and on the strength of the forged patta, they executed a Partition Deed, thereby depriving the petitioner of his share in the property.

5. The learned Government Advocate (Crl.Side) for the respondent would submit that the complaint given by the petitioner was referred as “mistake of fact” and a Referred Charge Sheet Notice (RCS notice) was also served on the petitioner.

6. From the compliant, it can be seen that it is not the case of the petitioner that the patta was forged. It is his case that the Tahsildar had issued a patta wrongly in favour of the accused and that it was cancelled subsequently by the Revenue Divisional Officer, Kallakurichi, in his proceedings. The petitioner is aggrieved since his cousin brothers are not



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acceding to his request for partition. In that case, the proper course would be to pursue his remedy before the Civil Court. Since the complaint does not disclose any cognizable offence, this Court is of the view that there is no infirmity in the order passed by the Trial Court and hence, the revision is liable to be dismissed.

7. In view of the above, this Criminal Revision Case stands dismissed.

11.11.2024

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To

1.The Judicial Magistrate – I,
Ulundurpet.

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

3.The Public Prosecutor,
Madras High Court.

SUNDER MOHAN., J.



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