



WEB COPY



Crl.R.C.No.2072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2072 of 2024

R.Thanigachalam

...

Petitioner

Vs.

1. The Superintendent of Police,
Ariyankuppam Police Station,
Puducherry.

2.The Inspector of Police,
Bahour Police Station,
Puducherry.

...

Respondents

Prayer: Criminal Revision Petition is filed under Sections 397 ad 41 of Cr.P.C. to set aside the order passed in Crl.MP No.3748 of 2024 dated 14.08.2024 on the file of the Judicial Magistrate – IV at Puducherry.

For Petitioner : Mr.R.Venkatesh

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Pondicherry)



Crl.R.C.No.2072 of 2024

WEB COPY

ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 156(3) of Cr.P.C. praying for a direction to the respondents to register FIR on the complaint made by him.

2. It is the case of the petitioner that he is the absolute owner of land measuring 1 Hectare and 21 Are in R.S.No.88/1 and that the said property originally belonged to his grandfather and he ultimately inherited the said property; that one M/s.Sarvo Packaging Limited had purchased the property on 03.07.1995 from one of the legalheirs without any authority; and that the petitioner's mother therefore filed a suit in O.S.No.21 of 2008 before the Additional Sub Judge, Pondicherry which was dismissed on 26.03.2018 against which the the petitioner's mother had preferred A.S.No.54 of 2018 before the Principal District Judge, Pondicherry and the same is pending; that in the meantime, M/s.Sarvo Packaging Limited had obtained a loan from a private bank by undervaluing the property and therefore the complaint against the said company has to be registered.



Crl.R.C.No.2072 of 2024

WEB COPY

3. Heard the learned counsel for the petitioner as well as the

learned Public Prosecutor (Pondicherry) and perused the records.

4. On perusal of the records, it is seen that the complaint does not disclose any cognizable offence said to have been committed by Saravana Packaging Limited by their alleged act of mortgaging the property, pending the first appeal.

5. Admittedly, the above said company purchased the property in the year 1995 and a civil dispute is pending since 2008. Since the complaint does not disclose any cognizable offence, the learned Judge has rightly dismissed the petition. Hence, there is no infirmity in the order of the learned Judge warranting interference by this Court.

6. Accordingly, this Criminal Revision Petition is dismissed confirming the order dated 14.08.2024 passed in Crl.M.P No.3748 of 2024 by the learned Judicial Magistrate No.IV (FAC), Puducherry.

27.11.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr



WEB COPY



Crl.R.C.No.2072 of 2024

SUNDER MOHAN, J.

rgr

To

1.The Judicial Magistrate No.IV (FAC),
Puducherry.

2.The Public Prosecutor (Puducherry)
High Court of Madras,
Chennai.

Crl.R.C.No.2072 of 2024

27.11.2024