



Crl.RC.No.935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

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N.Sudhakar

...Petitioner

Vs.

P.Magudhapathi

...Respondent

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the docket order passed in CMP.SR.No.26207 of 2023 on the file of the Hon'ble Magistrate Court, Madhukarai, Coimbatore.

For Petitioner : Mr.Dinu Prashanth

For Respondent : Mr.T.Balaji

ORDER

This Criminal Revision Case has been filed seeking quashment of the docket order passed in CMP.SR.No.26207 of 2023 on the file of the Magistrate Court, Madhukarai, Coimbatore.

2. The case of the petitioner is that, with an intention to purchase



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the property belonging to respondent, the petitioner paid an advance amount of Rs.15,00,000/- by way of four cheques and the same were appropriated by the respondent, despite which, the respondent did not come forward to enter into a sale agreement with the petitioner. Thereby, the petitioner made a complaint before the law enforcing agency, however, no action was taken on the complaint filed by the petitioner. Therefore, left with no other alternative, the petitioner filed the present complaint under Section 156(3) of Cr.P.C. in CMP.SR.No.26207 of 2023 before the trial court. However, the trial court had mechanically dismissed the said petition, without assigning any proper reason. Aggrieved by the same, the petitioner has come up with this revision.

3. Heard learned counsel on either side and perused the material documents available on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner against the order impugned, when this Court expressed its opinion that, the issue involved in the present case is purely a civil dispute between the petitioner and the respondent and the same has to be adjudicated before the civil forum, the learned counsel for the



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petitioner restricted his prayer and sought permission of this Court to file appropriate suit for specific performance before the Competent Civil Court. Learned counsel appearing for the respondent has no objection for grant of such liberty. Learned counsel for the petitioner further prayed that the period during which the matter was agitated before the wrong forum may be excluded for the purpose of computation of limitation.

5. In view of the aforesaid stand taken by the learned counsel on both sides, this Court, without expressing any opinion on the merits of the case and without interfering with the order under challenge, grants liberty to the petitioner to file appropriate suit before the Jurisdictional Civil Court. If such suit is filed, the jurisdictional Civil court shall consider the same and pass orders, after affording sufficient opportunity to the parties. Further, the period of pendency of the petition filed by the petitioner under Section 156(3) of Cr.P.C. before the wrong forum shall stand excluded for the purpose of computation of limitation.

M.DHANDAPANI, J.



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6. Accordingly, this Criminal Revision Case is dismissed.

Consequently, the connected miscellaneous petition is closed.

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

To

The Magistrate Court, Madhukarai,
Coimbatore.

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