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Crl.R.C.No.2208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2208 of 2023

Lakshmi

... Petitioner

Vs.

1.State rep. By
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.

2.Chandhiragandhi

3.Amsavalli

4.Lakshmi

5.Dhanakodi

6.Kanaga

7.Chinnaponnu

8.Vijayakumar

9.Chandrasekar

10.Erusan



Crl.R.C.No.2208 of 2023

11.Suresh

12.Manikandan

13.Pappathi

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records connected with the order dated 30.11.2023 in Crl.M.P.No.2342 of 2023 on the file of the learned Judicial Magistrate No.I, Kallakurichi and set aside the same as illegal.

For Petitioner : Mr.J.Sadam Hussain

For R1 : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This criminal revision petition is filed to set aside the order dated 30.11.2023 in Crl.M.P.No.2342 of 2023 on the file of the learned Judicial Magistrate No.I, Kallakurichi.

2.The petitioner sent a complaint to the first respondent by post on 08.10.2023. The case against the petitioner is that a civil case is pending



between her son and Chandhiragandhi in Kallakurichi Court, at that time, shed and fencing put up in the petitioner's property were destroyed by Chandhiragandhi, Amsavalli, Lakshmi, Dhanakodi, Kanaga, Chinnaponnu, Vijayakumar, Chandrasekar, Erusan, Suresh, Manikanda Jothi and Papathi on 08.10.2023. After causing the damage they also attempted to enter into the petitioner's property armed with deadly weapons, threatened and abused them. The petitioner captured the act of the named accused persons by way of photograph and videograph and thereafter sent a complaint. Since no action was taken by the respondent police, she also lodged a complaint to the Superintendent of Police, Kallakurichi. Thereafter, she filed a petition under Section 156(3) Cr.P.C. before the Trial Court in Crl.M.P.No.2342 of 2023. The Trial Court by order dated 30.11.2023 dismissed the same for the reason that the petitioner sent a complaint by post to the respondent police and the Superintendent of Police on the same day without waiting for any action to be taken and hence, dismissed the same.

3.The learned counsel for the petitioner submitted that in the complaint the petitioner stated that she had the evidence of photograph and



CCTV footage showing that the persons named in the complaint trespassed into the petitioner's property, caused damage to the shed and fencing which fact has not been considered but the Trial Court dismissed the complaint stating that the petitioner had not followed the requirement under Section 154 Cr.P.C.

4.The learned Government Advocate (Crl. Side) submitted that on the complaint of the petitioner, C.S.R.No.292 of 2023 assigned, enquiry conducted, petitioner appeared for enquiry, counter parties Vijayakumar, Erusan, Chandhiragandhi appeared, both agreed that the civil suit is pending between them and also gave an undertaking that they will abide by the Civil Court finding and will not take any provocative action against each other, recording the same complaint was closed.

5.Considering the submissions made and on perusal of the materials, it is not that the respondent police has not taken any action, on receipt of complaint C.S.R. Number assigned, the petitioner as well as the counter parties appeared and thereafter only complaint was closed finding that the



Crl.R.C.No.2208 of 2023

civil suit is pending between them and both the parties agreed that they shall abide by the Civil Court finding. In view of the same, this Court is not inclined to entertain this revision petition.

6.Accordingly, the Criminal Revision Petition stands dismissed.

15.02.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

- 1.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
- 2.The Judicial Magistrate No.I,
Kallakurichi.



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Crl.R.C.No.2208 of 2023

M.NIRMAL KUMAR, J.

cse

Crl.R.C.No.2208 of 2023

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