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Crl.R.C.No.1583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1583 of 2023

R.Murugan

... Petitioner

..vs..

The Inspector of Police,
Chetpet Police Station,
Chetpet, Thiruvannamalai District.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to call for the records and set aside the order dated 02.03.2023 passed in Crl.M.P.No.4900 of 2022 by the learned Judicial Magistrate, Polur at Gingee.

For Petitioner : Mr.E.Sivanandan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed to set aside the order dated 02.03.2023 passed in Crl.M.P.No.4900 of 2022 by the learned Judicial Magistrate, Polur at Gingee.

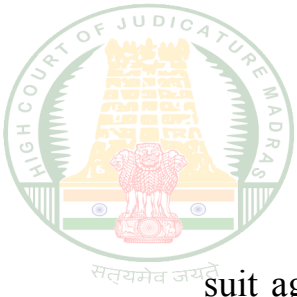


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2. According to the petitioner, he owns agriculture lands to an extent of 3 acres in S.No.154/9A1 and the said land is being under the cultivation of crops. While that being so, the adjacent owners of the petitioner's land have trespassed into the petitioner's land and destroyed the cultivated crops. Hence, the petitioner filed a complaint dated 22.06.2022 to the respondent-Police. Since there was no response from the respondent, the petitioner filed an appeal dated 09.07.2022 to the Superintendent of Police, Tiruvannamalai District to take necessary action with regard to his pending complaint dated 22.06.2022, but no action was taken. Subsequently, the petitioner filed a complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate, Polur at Gingee, seeking a direction to register the complaint dated 22.06.2022. The learned Magistrate, by order dated 02.03.2023, rejected the petition by holding that the complaint of the petitioner is purely a civil dispute and no cognizance offence made out against the proposed accused. Aggrieved by the said order, the present petition has been filed by the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner has already filed a civil



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suit against the proposed accused persons and the same is pending. She further submitted that the respondent-Police have already registered the earlier complaint of the petitioner and conducted the investigation and also filed the final report. Once again, the petitioner filed another complaint for the very same cause of action and also approached the Court below seeking a direction to register the complaint. The learned Magistrate, after appreciating the entire records, dismissed the complaint on the ground that the dispute between the parties is civil in nature.

4. Heard both sides and perused the materials available on record.

5. Since the respondent-Police had already registered the complaint of the petitioner and filed charge-sheet, the present complaint which leads to the impugned order shows that it is only a civil in nature. Therefore, this Court does not find any reason to interfere with the rejection order passed by the learned Magistrate dated 02.03.2023 in Crl.M.P.No.4900 of 2022. Hence, this Criminal Revision Petition is dismissed.



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WEB COPY Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,
Polur at Gingee.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
Chetpet Police Station,
Chetpet,
Thiruvannamalai District.



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P.VELMURUGAN, J.

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