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CrI.R.C.No.1393 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.1393 of 2023

K.Manikandan

... Petitioner

..VS..

1. The State Represented by
The Inspector of Police,
Jalagandapuram Police Station,
Jalakandapuram, Mettur Taluk,
Salem District.

2. Subramaniam

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to call for the records and set aside the order dated 22.05.2023 in C.M.P.No.6242 of 2023 on the file of the Judicial Magistrate No.II, Mettur.

For Petitioner : Mr.C.Arun Kumar
For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor for R1
Mr.V.Sivaraman
for Mr.M.R.Jothimanian for R2

ORDER



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2. Learned counsel for the petitioner submitted that the petitioner is the owner of two vehicles namely, (i) Innova Crysta bearing Registration No.TN 52 S 6789 and (ii) Tata Sumo bearing Registration No.TN 27 W 6789 and all the records pertaining to the above said vehicles, including Registration Certificates, are in the name of the petitioner. While that being so, the second respondent, who is the cousin brother of the petitioner, had used the above said vehicles for illegal transportation of smuggled goods and Psychotropic substances. Hence, the petitioner issued a legal notice to the second respondent to handover the possession of vehicles to the petitioner, but he did not handover the possession of the vehicles and a complaint was preferred against the second respondent. He further submitted that when the petitioner attempted to take possession of the said vehicles, the second respondent along with other accused, assaulted the petitioner, which resulted in registration of counter complaint against the petitioner by the second respondent.



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3. Learned counsel for the petitioner further submitted that earlier the complaint of the petitioner was not investigated by the first respondent-Police and the petitioner sent another complaint to the Superintendent of Police, Salem District. However, no action was taken by the first respondent – Police and hence, the petitioner filed a complaint invoking Section 156(3) Cr.P.C., before the Judicial Magistrate-II, Mettur in Crl.M.P.No.6242 of 2023, praying to register the First Information Report and for consequential directions. However, the learned Magistrate erroneously went into case and decided the ownership of the properties and unwarrantly imposed certain conditions, which warrants interference by this Court.

4. Learned counsel appearing for the second respondent submitted that regarding possession and ownership of the said vehicles, both the parties have already filed civil suits and one of the suits is pending in O.S.No.357 of 2024 on the file of the Sub Judge, Mettur. Suppressing the above facts, the petitioner filed the complaint with similar allegations against the second respondent in Crime No.248 of 2022. In counter blast, the second respondent also filed a complaint against the petitioner in Crime No.249 of 2022. Both the complaints were taken together and after



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investigation, the first respondent-Police filed the charge-sheet and the same was taken on file in S.T.C.Nos.412 and 413 of 2023. Pending the above cases, the petitioner filed another complaint before the first respondent-Police, and then filed a complaint before the Court below invoking Section 156(3) Cr.P.C. The learned Magistrate after considering all the facts, allowed the petition and directed the first respondent-Police to enquire into the complaint and also get a bond from the proposed accused-second respondent herein to bind over himself while using car and also avoid usage of car for illegal purposes. As there is no merit in this revision, the same may be dismissed.

5. Learned Additional Public Prosecutor appearing for the first respondent-Police, on instructions, submitted that, already both the parties have filed civil suits regarding the possession and ownership of the subject vehicles and the same are pending before the competent Civil Court. He further submitted that with regard to criminal offences, already both the parties filed complaint and counter complaint and the same are also pending before the competent Court.

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



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7. Admittedly, the petitioner and the second respondent herein preferred complaint and counter complaint before the first respondent-Police regarding possession and ownership of the subject vehicles in Crime Nos.248 of 2022 and 249 of 2022, which were taken on file in S.T.C.Nos.412 and 413 of 2023 by the learned Judicial Magistrate No.II, Mettur. Further, with regard to the same issue, civil suits are also pending before the competent civil Court. Pending the above said cases, the petitioner filed the complaint before the first respondent-Police against the second respondent. Since the first respondent-Police had already investigated the matter, they did not take any action on the present complaint. Hence, the petitioner filed a petition in Crl.M.P.No.6242 of 2023. The learned Magistrate, after appreciating the entire materials and also the earlier complaints, directed the first respondent-Police to register the complaint and enquire into the matter and also imposed certain conditions.

8. Considering the facts and circumstances and also considering the submissions of either side, this Court finds that though civil suits and criminal cases are pending between the parties regarding possession and ownership of the subject vehicles, the petitioner is not entitled to get any



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relief as sought for in this revision. Further, this Court does not find any perversity in the findings rendered by the Court below while imposing certain conditions.

9. In the result, this Criminal Revision Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law before the competent Courts where the civil suits and criminal cases are pending.

12.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To

1. The Judicial Magistrate-II,
Mettur.
2. The Inspector of Police,
Jalagandapuram Police Station,
Jalakandapuram, Mettur Taluk,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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