



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.1364 of 2024

A.Vadivel

...Petitioner

Versus

1.Ziaulhaq

2.P.Manokaran

3.A.Anarkali

4.C.Manickam

5.K.Ilayaraja

...Respondents

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C praying to set aside the order dated 10.06.2024 passed by the learned Judicial Magistrate No.II, Attur in Crl.M.P.No.4815 of 2023.

For Petitioner : Mr.A.Sriram

For Respondents – 1 to 3 : Mr.S.Sathish

For Respondent – 4 : Notice returned unserved



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For Respondent – 5 : No Appearance

ORDER

This Criminal Revision Petition has been filed by the petitioner seeking to set aside the order dated 10.06.2024 in CrI.M.P.No.4815 of 2023 passed by the learned Judicial Magistrate No.II, Attur.

2. The brief facts of the case are that on 10.10.2023 at about 11.30 p.m., 1st respondent had brought the respondents 2 to 5 to the petitioner's land. Using the explosive substance, respondents had demolished the compound wall which was constructed in the petitioner's land and thereafter, the respondents had escaped from the place of occurrence. Immediately, one Mr.Raja who was working as a night watchman in the petitioner's land and two others viz., Ravi and Amir Khan informed the petitioner about the said incident. Thereafter, on 11.10.2023, at around 6.30 a.m., petitioner came to his land, where he found that the compound wall in his land was damaged. Hence, petitioner had given a written complaint before the Thalaivasal Police Station, pursuant to which, the Police Officials from Thalaivasal Police Station had visited the place of occurrence and they had conducted



investigation. Then, the Police Officials had issued the receipt in C.S.R.487 of 2023 on the petitioner's complaint, but, they had neither registered any case against the respondents nor they had taken any action against the respondents. Therefore, petitioner had filed a petition in CrI.M.P.No.4815 of 2023 before the learned Judicial Magistrate No.II, Attur praying to take necessary action against the respondents for the offence committed by them. However, the learned Judicial Magistrate No.II, Attur vide Order dated 10.06.2024, dismissed the said petition. Aggrieved over the same, petitioner has filed the present Criminal Revision Case before this Court.

3. The learned counsel for the petitioner submitted that on the alleged date of occurrence, respondents came to the petitioner's land and they damaged the compound wall therein by using the country bomb. The said incident was seen by an eye witness viz., Mr.Raja who is working as a night watchman in the petitioner's land.

3.1. It is further submitted by the learned counsel for petitioner that though petitioner had given a police complaint against the respondents, the Police Officials did not take any action against the respondents. Therefore,



the petitioner had filed a petition before the Court below seeking to take necessary action against the respondents, but, the Court below has dismissed the said petition by holding that since there is a civil dispute between the petitioner and respondents, petitioner has filed this petition due to previous enmity and that apart, a doubt arises that whether the incident had taken place on the alleged date of occurrence, in the manner in which it is stated to have been occurred.

4. The learned counsel appearing on behalf of the respondents 1 to 3 submitted that there is no *prima facie* case has been made out by the petitioner and hence, the Court below has rightly dismissed the petition filed by the petitioner. Therefore, the learned counsel submitted that the impugned order does not warrant any interference.

5. Heard the learned counsel for petitioner as well as learned counsel for respondents 1 to 3.

6. From a perusal of the materials available on record, it is evident that the petitioner had lodged a police complaint against the respondents



stating that on the alleged date of occurrence, respondents came to the petitioner's land and they had damaged the compound wall which was constructed therein, by using the country bomb. It is also evident that the said incident was informed to the petitioner by an eyewitness viz., Mr.Raja and two others.

7. It is to be noted that the aforesaid eyewitness Raja was working as a night watchman in the petitioner's land. The said Raja was an employee of the petitioner and thus, his statement would be obviously in favour of the petitioner. Therefore, the statement given by said Raja cannot be accepted.

8. That apart, in the present case, there is a civil dispute between the petitioner and respondents and hence, petitioner has filed CrI.M.P.No.4815 of 2023 due to previous enmity. Further, petitioner has not made out a *prime facie* case to proceed against the respondents. Therefore, the Court below has rightly dismissed the petition filed by the petitioner.

9. I do not find any infirmity in the impugned order passed by the learned Judicial Magistrate No.II, Attur.



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10. In the result, this Criminal Revision Case is dismissed. However, considering the fact that there is a civil dispute between the parties, liberty is granted to the petitioner to work out his remedy before the competent Civil Court, in the manner known to law.

14.10.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Judicial Magistrate No.II,
Attur.

2.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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