



Crl.R.C.No.1636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1636 of 2024

Sivaraj

... Petitioner

Vs.

1. The Inspector of Police,
Periyanaickenpalayam,
Police Station,
Coimbatore.

2. R.Vijayakumar

... Respondents

PRAYER: Criminal Revision has been filed under Section 438 r/w. 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records pertaining to the issue of the order in C.M.P.No.29984 of 2023 in Crime No.531 of 2016 dated 03.08.2024 on the file of Judicial Magistrate-V, Coimbatore and set aside the same.

For Petitioner : Mr.D.Ashok Kumar

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)

For R2 : Mr.S.Rajesh



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ORDER

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This Criminal Revision Cases has been preferred against the order dated 03.08.2024 passed by the learned Judicial Magistrate-V, Coimbatore, in C.M.P.No.29984 of 2023, thereby dismissing the protest petition filed by the petitioner.

2. The petitioner lodged complaint and the same has been registered in Crime No.531 of 2016 for the offences punishable under Sections 454, 380 of IPC, on the file of the first respondent police. After completion of investigation, it was closed as “mistake of fact”. Aggrieved by the same, the petitioner preferred a protest petition and after due enquiry, the trial Court dismissed the said petition. Hence, the petitioner filed the present revision.

3. The learned counsel appearing for the petitioner submitted that the petitioner entered into lease agreement with the second respondent in respect of the subject premises to run a supermarket. Thereafter, The petitioner was forcibly evicted from the premises after looting the entire materials available in the shop worth about Rs.60,00,000/-. However, the first respondent police colluded with other accused persons and cooked up a different story and closed the FIR.



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4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the records, it is revealed that the petitioner entered into a partnership deed with two other persons viz., Karuppusamy and Jogaraj. Though the petitioner was a tenant under the second respondent, he is nothing to do with the dispute between the petitioner and two other persons. If at all any grievances in respect of the premises on payment of advance amount, the petitioner ought to have approach Civil Court for appropriate relief. Therefore, the trial Court rightly dismissed the protest petition and accepted the closure report filed by the first respondent police. This Court finds no infirmity or illegality in the order passed by the trial Court and the revision fails. However, the petition is at liberty to approach the appropriate civil form for proper relief.

6. Accordingly, the Criminal Revision Case stands dismissed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rts

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G.K.ILANTHIRAIYAN. J,

rts

To

1. The Judicial Magistrate-V,
Coimbatore.
2. The Inspector of Police,
Periyanaikenpalayam,
Police Station,
Coimbatore.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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